GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SESSION OF 1931

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY,

Commencing Tuesday, January 13, 1931

B. M. MILLER, Governor.

HUGH D. MERRILL, Lieutenant-Governor.

R. H. POWELL, President Pro Tem. of the Senate.

A. M. TUNSTALL, Speaker of the House.

I, PETE B. JARMAN, JR., Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

PETE B. JARMAN, JR.,
Secretary of State.

Birmingham, Alabama
Birmingham Printing Company,
State Printers and Binders.
1931.

Entered according to Act of Congress, in the year 1931
by B. M. Miller, Governor of Alabama,
for use of said State,
In the office of the Librarian of Congress at Washington, D. C.

MESSAGE OF THE GOVERNOR

To the Legislature of Alabama:

Gentlemen:

There was Divine guidance of those who made the Constitutions and molded the customs of our God-fearing people.

Our Constitutional Mandate requires of each designee for public office that as the means of induction into his official stewardship he must, under solemn oath, enter into a covenant with his people to support their Constitutions and "to faithfully and honestly discharge the duties of the office"; to which both the help and witness of Almighty God is reverently asked. Lest this Constitutional Mandate be complied with in a perfunctory lip-service way the fixed custom of our people makes "the taking of the oath of office" the most formal official ceremony in the public life of our Country.

Each of you who has just taken this oath knows that you hold your office because of the abiding faith in you that lies in the hearts of your people: a faith that you will faithfully and honestly represent them. That faith made you the officer you are, it believes in you and trusts you. It believes that you have the head to know, or to find out, what is best; and it believes that you have the heart to do what is best. That faith trusts you out of its sight, stays at home attending to its duties there, leaving you unwatched attending to your duties here.

There probably will be others who have not this faith in your head, who will be ever present to relieve you of the burden of doing your own thinking: others who have not this faith in your heart who will be ever present around voting time to see that your vote is delivered when it chances to be in line with their desires.

I reverently pray for you as a body—a faith in Alabama's people who sent you here, even as that people has had faith in you; and may it be a living, acting faith, for "faith without works is dead."

Never in peace time have Alabama and America more needed faith and confidence and courage than now.

Section 123 of our Constitution provides:

"The Governor shall from time to time, give to the Legislature information of the state of Government, and recommend for its consideration such measures as he may deem expedient; and at the commencement of each regular session of the Legislature, and at the close of his term of office, he shall give information by written message of the condition of the State; and he shall account to the Legislature, as may be prescribed by law, for all moneys received and paid out by him or by his

order; and at the commencement of each regular session he shall present to the Legislature estimates of the amount of money required to be raised by taxation for all purposes."

Pursuant to the above, I am causing to be laid before you the reports of the several Departments of the State which give you in detail and in accordance with law, the information specifically required and I am directing your attention to these reports. In addition thereto, I shall briefly refer to the more important matters that this and other sections of the Constitution and Law provide shall be brought to your attention.

First, I wish to express in strongest possible terms my official and personal appreciation of the accomplishments of the last Legislature and of the loyalty, co-operative harmony and efficiency of the several Departments, whose reports are transmitted to you. I believe that it can be said of a truth that harmony and co-operation have been the watchwords of the State's Government and its officers in the last quadrennium. The last four years have been the foundation building quadrennium of Alabama.

The State's human resources have been conserved and developed by giving health, both moral and physical, and education of both head and hand to its people, thus raising their plane of life and increasing their earning power. They have been given transportation by highways, bridges and docks, and as a result of these foundations more new major industries and more miles of railroad have come to us than in any other like period in a generation. Our waterway systems have been put in line for immediate development and we have every reason to feel assured that this great benefit will shortly be ours. The State has also made great advances in providing for its abnormal, subnormal and under-privileged.

The primary duty of the Executive Department of our Government is to see that all the laws as enacted by its Legislative Department and applied by its Judicial Department shall be faithfully executed uniformly upon all alike. I believe that the enforcement of law is an outstanding accomplishment of the administration.

There has been in the quadrennium only one lynching, and in this instance the victim was not in legal custody. Believing that in this case the Sheriff had not shown proper vigilance, a special term of the Circuit Court was ordered and a prompt resignation of the Sheriff resulted. Not one has been taken from the custody of an officer. For this let me express the appreciation of Alabama to its every law officer. Upon every occasion of apparent danger local officials have been given aid, either of the State Law Enforcement officers, or Militia, or both, as the situation seemed to demand. But be it said to the credit of every local officer concerned, every situation was adequately handled by the local forces.

To make vigorous enforcement of all laws more certain it has been the policy of the administration to strive diligently, first, to select Jury Commissioners who believe in law enforcement and, second, to let the sentence of the courts stand in major felonies without executive clemency. These policies have resulted in greatly increasing the number of convicts but the end desired, which is to prevent repetition of crime, is being attained.

STATE PRISON INSPECTOR

The report of the State Prison Inspector shows a decline in jail commitments for the last year, and special attention is called to the fact that the homicide committals for last year were 644 as compared with 774 similar committals for the year previous. A reduction of 130 homicides in one year establishes beyond peradventure the wisdom of the policy.

STATE LAW ENFORCEMENT DEPARTMENT

I consider the State Law Enforcement Department one of the most necessary and efficient arms of our Government. This Department costs the State Treasury around $100,000.00 a year but since its organization it has been operated at a great profit. During each administration under which it has functioned, the cash fines resulting from its activities have greatly exceeded its cost. During the present quadrennium this expense has been around $400,000.00 and the cash fines have been $519,000.00, a net profit of $119,000.00. So from the standpoint of the tax-payer, this Department is a money maker aside from its indispensable service in the enforcement of all the laws.

PUBLIC HEALTH

In Public Health service Alabama leads her every sister State. We have all of our cities under all-time health service and have a greater proportion of our rural population under all-time health service than has any other State in the Union. We have materially added to other appropriations that make for the conservation and development of our human resources, but we have multiplied the appropriations for Public Health. For the year ending September 30, 1926, the State Appropriation for the Central Administration of this Department was $150,000.00. The current appropriation for that purpose is $539,383.00. Appropriations for County work which are matched by the counties has gone from $55,000.00 for the year 1926 to $130,000.00 for the last year.

The results obtained by this Department are most creditable indeed. A few weeks ago it furnished me figures for use in an address to the National Hospital Convention of America, taken from Vital Statistics of the Bureau of Census which shows that there were only two States in the Union that had as low or lower negro

death rate than Alabama and only five States in the Union that had a lower white death rate than Alabama. Each of the five are West of the Mississippi. Surely there will be no backward step in this great work.

I recommend to your favorable consideration the plan of the State Health Officer to provide sanitoria for the tuberculosis operated by contiguous counties with State aid, under the supervision of the State Health Department.

EDUCATION

In education we have progressed all along the line. At the beginning of the last Session a $600,000.00 appropriation was made to bring the terms of rural schools up to a minimum of seven months and since that time, as a rule, this minimum has been maintained. The following table furnished by the Department of Education shows the progress of the State in this line:

STATE APPROPRIATIONS FOR EDUCATION

Comparisons of Amounts made available for Public Education in Alabama During Their Respective Quadrenniums by the 1919, 1923 and 1927 Legislatures:

Year	Amount Appropriated	Amount of Increase or Decrease	Percentage Increase or Decrease
1919	$9,491,440		
1923	9,904,598	$ 413,158	4.35
1927	32,180,758	22,276,160	224.91

AVERAGE ATTENDANCE

Total Number of Days attended by all the pupils Enrolled in the Public, Elementary and High Schools of Alabama During Six Consecutive Years:

Year	Total Days Attended	Amount of Increase or Decrease	Percentage Increase or Decrease
1924	55,807,151		
1925	57,686,491	1,879,340	3.37
1926	57,254,174	—432,317	—0.75
1927	61,814,896	4,560,722	7.97
1927-1928	68,828,558	7,013,662	11.35
1928-1929	68,593,254	—235,304	—0.44
1929-1930	71,041,927	2,448,673	3.57

AVERAGE SCHOOL TERM

During the Six Years from 1924 to 1930 the Average School Term for All Children in the Public Schools of Alabama Increased 17 days, from 133 days to 150 days. The Term for Elementary

Grades Increased from 130 days to 145 days, or 15 days during this period, which the High School Increased 5 days, from 165 to 170.

Our High Schools, District Agricultural Schools, Teachers' Colleges and Higher Institutions of Learning have been improved and advanced in equal pace with our Elementary Schools. Every one is as necessary as any one.

The great increase in appropriations for this quadrennium has brought the expected result. At a meeting of the National Educational Association held at Boston, Alabama was reported as leading all of the States in educational progress. We must remember that great as is our progress we have not yet reached our deserved place at the top in actual attainment. We must "Keep on keeping on."

The natural growth in the number, the extension of the terms, the greater attendance, and the expenses of consolidation have all increased to the point where our present appropriations are far short of our necessities. Alabama will not be true to herself and her own if she does not meet these needs and maintain this progress. I approve the recommendations of the State Superintendent of Education looking to the accomplishment of this end.

SCHOOL TEXT BOOKS

I said to the Special Session of the last Legislature:

> "I desire to direct your attention to the cost of our school books, and to ask that you raise a joint committee to investigate this matter. I have had made a study of the cost of the basal textbooks of the seven primary grades, the investigation including the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Tennessee. This study discloses the name and cost of every basal textbook in every primary grade in every one of these States. There is a greater number of such basal textbooks used in primary grades, in Alabama than in any of the other States named, there being approximately 46% more in use in Alabama than is the average of these other States. Furthermore, the cost of these basal texts for primary grades in Alabama is greatly in excess of the cost in any of the other States named. This cost in Alabama aggregates approximately 158% of the average cost in the other named States. This situation is serious, and, I think, justifies the raising of the joint committee which I have suggested. I am glad to assure you that the incoming Superintendent of Education is not only willing but anxious to co-operate with us to the end that this textbook expense be lessened."

The Legislature did all that was necessary in the premises and the desired end has been accomplished. This was made clear by a report compiled by the former Superintendent of Education, Tid-

well, which shows: That the initial cost of textbooks for the six grammar grades was reduced from $40.20 per child to $26.89. This has saved Alabama parents many millions.

There was also a reduction in the higher grades, but not so great. I have not the exact figures.

INSANE HOSPITALS AND FEEBLE MINDED INSTITUTIONS

The State has greatly enlarged its provision for insane and feeble minded. During the quadrennium there has been completed a dormitory at Mt. Vernon, designed for 225 beds, a light dormitory at Tuscaloosa for over 200 beds, there has been acquired some 3,000 acres of farm land at Tuscaloosa where the farm colony accommodates about 200, and there has been a practical doubling of the plant for feeble minded. Attention might also be directed to the fact that a complete automatic fire sprinkler system at a cost of about $120,000.00 has been installed at Bryce Hospital to protect not only the building but primarily the inmates against possible holocaust.

The extent of these increased provisions is definitely shown by the growth in the number of State or indigent patients in these institutions. On September 30, 1926, there were 3,084 insane patients; on September 30, 1930, there were 3,776 insane patients or an increase of 692. On September 30, 1926 there were 283 feeble minded patients and on September 30, 1930 there were 507 feeble minded patients, an increase of 224. Compiling the figures on September 30, 1926, there was a total of 3,367, on September 30, 1930, a total of 4,283, or an increase in four years of 916, which is over 27% increase. In this time the population of the State increased probably 5%, showing that our provision during this quadrennium for the insane and feeble minded has grown five times as fast as our population has grown. But there is still need of further provision, for both.

I would recommend that such enlargement of plant as is desired by the Legislature be specifically authorized and provided for rather than be taken out of the Maintenance Funds, made larger than maintenance purposes require in order to meet indirectly these needs.

I would further recommend that the interest of the people be further safe-guarded in the matter of the support of State patients, who have in fact estates of their own. It is not fair to the taxpayers to provide the creature necessities of these patients who have property and leave the property for the inheritance of relatives who failed to make provisions for these necessities. Let me here say that I believe this same principle should apply to all of the inmates of eleemosynary institutions for instance, the State pays for each inmate of the Blind Institution $300 per year for a session of about eight or nine months. Some of these unfortunates are the

children of wealthy men, and it is not right for the tax-payers to furnish the food for the child of a wealthy parent because of the child's misfortune. The State does its part in furnishing the experts who instruct and train but should go no further.

DEAF AND BLIND INSTITUTE

The last Legislature appropriated $300,000.00 for the extension of the fiscal plant of these Institutions. I do not believe any major increases of this plant will be necessary for some years.

These Institutions are doing great work efficiently, and have made marked improvement, especially in attention to health and exercise. It is an inspiration to see the play of mute football teams and blind basket ball teams, and to note the physical health and buoyancy of spirit that have resulted.

BOYS' SCHOOL

The plant of this Institution has been enlarged but it still needs a good hospital. Its work is most excellent.

GIRLS' SCHOOL

The plant of this Institution has been enlarged. It owns considerable properties where its former plant was located, which we felt should not be sold at this time, but with this resource at its disposal, it will probably need no further provisions for plant extension. Every effort is being made to rehabilitate its inmates and fit them for self-support in normal life. The difficulties involved are baffling but it is thought that there has been marked improvement along these lines in recent years.

NEGRO REFORM SCHOOL

The State's Negro Reform School has doubled its land holdings, having now over 2,000 acres, and has all it needs in land and equipment. It is performing its mission well. This school is for boys only. I recommend to your favorable consideration similar provisions for derelict negro girls.

ALABAMA INDUSTRIAL DEVELOPMENT BOARD

I consider the creation of Alabama Industrial Development Board one of the outstanding accomplishments of the last Legislature. Heretofore this field of activity has been neglected by our State Government. This Board, composed as it is of outstanding industrialists of our country, has done, is doing and will doubtless continue to do as much constructive work for the up-building of our whole State as any other Governmental body. I do not believe that any other appropriation of like amount made by the State is doing so much for the combined financial, commercial, industrial and agricultural betterment of the whole State.

X

STATE DOCKS

Our State Docks have been completed, while not large enough to meet our needs, it is as complete as is any plant of its kind and size. The payment of interest on its bonds has been a burden upon the General Fund of the State, the amount being $630,620.53. There is every prospect that this burden will continually and rapidly lessen, but we should remember that our plant was built for the business of the State rather than for its profit. It is getting us the business and "having put our hand to the plow there can be no turning back."

TOLL BRIDGES

Our Toll Bridge undertaking is a success. The last one will soon be completed. At the time these bridges were being located parties most interested in each, clamored for the location under the plan providing tolls. Having asked for and gotten the bridge located under the toll plan, it is too late now to ask that the tolls be remitted. We cannot eat our apple and have it. There being no specific provision of law for the printing of the report of this corporation, for your information I have caused it to be mimeographed and placed on your desks.

VETERANS' BUREAU

The Veterans' Bureau organized by the last Legislature is functioning well, is of great benefit to the service men of the State and is instrumental in bringing into the State a great deal of money by its expediting the claims of these service men.

STATE PROPERTIES

Permit me to call your attention to the excellent physical condition of all of the State properties, including the Capitol. We have endeavored to keep every State property in as clean, ship-shape, condition as any military post is kept by the Army.

REALTY BOARD

The Realty Board organized by the last Legislature is efficiently performing a much needed function. It is helping realtors to enforce their highest ethics and protecting them and the community against irresponsible and unscrupulous dealers.

MUSCLE SHOALS COMMISSION

The Muscle Shoals Commission organized by the last Legislature was not successful in all of its undertakings but it resulted in profit to the State. Its investigations revealed that about one hundred years ago a land grant was made from the National Government to Alabama for transportation purposes and that there was still due to the State some nine thousand acres on this old grant.

Following this up, we have received Government patents to 8,579 acres. This land is worth many times the total expenses of that Commission.

The State has pending in the Supreme Court of the United States a suit seeking to recover the Kilowatt Tax on the electric current manufactured and sold at Wilson Dam. The amount involved is about $1,000,000.

NATIONAL GUARD

Alabama's National Guard is at the highest point of efficiency in its history. It has been operated at a reduced cost to the State and has brought into the State from Federal sources increased funds. To it has been added a Naval Militia. It has rendered most efficient service every time that it has been called upon, especially in the disastrous flood of March, 1929.

STATE BOARD OF ADMINISTRATION

If there be one Department that is indispensable to a business-like administration of the State's affairs that Department is the State Board of Administration. Its handling of the State's business has been most efficient and satisfactory and the ability, energy and faithfulness of the members are greatly appreciated. The detail report of this Department is worthy of your careful consideration. The changes in our convict lease system involved large capital outlays to provide the means for convict employment.

The new farm penitentiary in Escambia County known as Moffett Farm embraces more than 8,000 acres and is doubtless the finest farm in the State. This was acquired as cut-over land which cost only $15.85 per acre, but that was only a small proportion of its ultimate cost. Upon it was put the labor of over 500 convicts for more than a year clearing, stumping, ditching, fencing and building a complete penitentiary, four miles of connecting railroad, a refrigerating plant, canning plant, etc. This labor cost the Department far more than its upkeep and support. The costs incident to its conviction are large items. This outlay has exceeded $600,000.00, but it is now a source of income and profit and is believed to be worth at least three quarters of a million dollars.

A tag mill built at Kilby costing $95,000.00 is now netting over $20,000.00 a year. New machinery installed in Speigner cotton mill cost around $100,000.00. This is now a source of increased revenue. It was necessary to build a new dormitory at Speigner for the cotton mills went on both day and night shifts when convicts were taken out of the mines and except Sundays, holidays and meal time, run all the time.

White youths under twenty years of age have been separated from the older and hardened criminals. To accomplish this segregation a male department of the garment factory of Wetumpka, in

which factory, females are also worked, has been built and equipped. The tubercular hospital has been improved but is still inadequate and should be completely renovated. Seventeen road camps have been equipped at a cost of about one and a quarter million dollars. Road equipment is very costly. The Gasoline Act provided that this equipment might be bought with gasoline funds but this cost has been charged back to the Convict Department and is being worked out by it. This balance charged to the Convict Department and credited to the Highway Department was as of October 1st, last around $650,000,000. It is now due to be credited with etimates for last month's work and is entitled to credit for the earnings in this month. This credit should reduce this balance by about half. These capital out-lays of around $2,000,000.00 will not have to be made again. The State owns and has paid for this property and is now using it as a source of income as well as a means of convict employment.

Our road camps are the best. Permit me to quote from the 1929 report of the "National Society of Penal Information, Incorporated" upon Alabama's road camps as follows:

> "The road camps of the State are the best in equipment, arrangement and management found in any of the States using this method of employing prisoners to any considerable extent. The authorities seem to have used the best features found in the camps of other States and eliminated most of the objectionable ones. The number of men in State road camps is not as large as in some other States but the Alabama camps are unquestionably the best."

Road building with convicts, especially heavy earth work, is a success as is much other routine heavy manual labor undertaken.

Our Convict road building has been at a small profit, the purpose having been to get much road work done not to get much money out of the Highway Department into the Convict Department. The work has been done cheaper than it could have been done by private contractors; witness how much lower Convict Department bids have been than have been the bids of private contractors when they have competed.

On the first day of this month this Department had contracts with the Highway Department on State Projects, the uncompleted portion of which is estimated by the Highway Department to aggregate $1,255,923.77. Of this amount $27,843.37 is for culverts and bridges, the remainder being for grading, draining and surfacing in which the labor element is almost the entire cost.

On January 1st., this Department had uncompleted contracts with the Highway Department on Federal Aid projects which amounted in the aggregate to $2,662,965.85, of which the Federal Aid portion to be paid by the Government is $1,331,482.90. In

addition to Federal Aid, counties obligated themselves to pay $299,936.43. On this there has been already collected $186,308.70 of Federal Aid, whereas the amount that has been paid by the State is $315,944.22. The net balance of the State's obligation is $908,045.65.

It will thus seem that the Department is enabling us in exchange for convict labor to secure one half of the estimated cost in Federal Aid and a large part of the other half in contributions from the counties.

The Department works approximately one-third of its men in farming, one-third in manufacturing and one-third in road work. The farming portion largely feeds all and produces between one-third and one-fourth as much cotton as the mills spin. It is worthy of note that the State's cotton mills have continuously run day and night at a profit while nearly all other mills have cut to very short time. In this connection, permit me to say that there is unnecessary apprehension of the effect of the Act of Congress, effective three years hence, regulating domestic sales of convict-made goods. So long as privately owned American mills can profitably sell in foreign markets, especially Asia and Latin America, the State's Convict Mills can surely do likewise.

During the administration electrocution has superseded hanging. This humane step should not be retraced.

In the first few weeks of the administration there was a small riot in a part of Kilby. This resulted from disciplinary measures to stop doping and from a very necessary separation of inmates. With this single exception mass discipline has been perfect. Individual discipline has been good in the great majority of cases and health has been uniformly excellent.

Every Christmas the several wardens have granted holiday paroles of about two weeks to approximately 8% of their felony case population as reward of good conduct. The results from this practice have been gratifying.

CHILD WELFARE DEPARTMENT

The responsibility of the State of Alabama, as a commonwealth, toward its disadvantaged children has been generally recognized. Nevertheless, much remains to be done if all children are to be given opportunities for development into self-sustaining citizenship.

The State Child Welfare Department, established in 1919, has made notable progress in the last decade, progress which has attracted the attention of every state in the Union. Through definite cooperation with the school system of the state, the State Child Labor Law has been administered and thousands of children have thereby gained the minimum standards of education prescribed by law and through cooperation with the State Department of Health, children with physical defects have been saved from exploitation;

better standards of child care in child-caring institutions have been promoted; through the Department's division of direct care, hundreds of broken families have been rebuilt and thousands of children, deprived of their own home, have been received for care by the State Department and later placed in free or adoptive homes under the supervision of the Department. But by far the largest contribution of the Department to the state's program of child care has been the creation of a state-wide plan so that it may almost be said that the children in the remote hamlets of Alabama have equal opportunities with those living in the best organized cities to enjoy the provisions that the state makes for education, health, and happiness. County child welfare boards, authorized by the Legislature, have been established in sixty-three of the sixty-seven counties. No state in the Union has so many of its counties organized for county child welfare work. No state has higher qualifications for its social workers.

The Department has been built upon sound principles of government. There has never been a desire to establish at the Capitol a large centralized agency with arbitrary powers, but great effort has been expended toward developing county resources to meet county needs.

The State Child Welfare Department by its direct service to individual children, by its supervision of child-caring agencies and institutions, by its organization of county units and its interpretation to the people of the state the mighty need, the holy need, of preserving the state's child life, deserves the further consideration of the Legislature and a greater opportunity for developing its program and projects.

The following recommendations merit consideration at the hands of the Legislature:

1. The development of additional social service in the various counties of the State, in order that they may increasingly assume responsibilities best dealt with near at hand. This implies making available adequate funds for aid and an increased staff both in the State Child Welfare Department and in the counties.

2. The enactment of legislation enabling counties to appropriate money for public aid to dependent children in their own homes and provision for supplementary State funds.

3. The development of facilities for temporary boarding home care of department children in their own communities, pending re-establishment of their own homes.

4. Provision for social service as an integral part of institutional care of dependent children.

5. The enactment of a new adoption law.

6. The further development of a coordinated program for the prevention of delinquency.

7. Consideration of the desirability of establishing child guidance clinic service which will reach all parts of the State.

8. Development of more adequate facilities for the care of Negro children.

9. Further provision for the training of social workers.

ARCHIVES AND HISTORY

The Department of Archives and History has been functioning for the past thirty years and has grown in magnitude and in ability to serve the public commensurate with the years of its existence. Under the present system of collecting and storing its present quarters are inadequate. Whether or not the present system should be maintained, of course, is addressed to you gentlemen of the Legislature. If the present system is to be maintained this Department will need added space for its collection of records and other things, whose value is not to be measured. My attention is directed to the fact that part of the state property in the block just south of the Capitol grounds has been purchased by public subscription, together with state funds, and has been set apart for the erection of a hall of history, which should be a memorial to Alabamians in all the wars in which the State has participated.

This Department serves as a general bureau of information, in addition to the services rendered through the archives and has proven an especial benefit to those seeking information concerning the history of the state not available otherwise. It seems to be desirable, in my judgment, that this Department should receive the liberal support of the Legislature, and, when funds are available, that preparations be made for the erection of the proposed memorial.

EXAMINERS OF PUBLIC ACCOUNTS

This is most important arm of the State and County Government and this Department has functioned admirably during the quadrennium, saving the state and county much of its revenue and bringing to light the improper use of its funds. The State cannot very well function without it. The Department should be increased, or made flexible, so that the Department may be increased and decreased as conditions warrant.

FORESTRY

This Department is enabled to be maintained under agreement with the Federal Government, which contributes a very large portion of the funds contingent upon the maintenance of specified standard. At the present time approximately twenty per-cent of the wage earners of the state make their living in the forest industry, or in the manufacture of forest products, and when we realize that two-thirds of the land survey of Alabama, approximately twenty-three million acres, is not suitable for agriculture, but is

available for the production of timber and other forest materials the promotion or continuous yield of forest products from such land, as a source of income to the owners and as a permanent supply of raw material for numerous industries is most important. This is a specific and technical task imposed upon this Department. The Department has fully and efficiently carried forward its various duties and has added much to the wealth of the state in obtaining title to Federal lands and the creation of the adoption of scientific principle by numerous land owners in the state. The cooperative field work carried on by the Department has greatly reduced the percentage of acreage swept by forest fire. The work of this Department has brought into the state additional manufacturing enterprises, using forest products. This Department should be maintained on a higher basis commensurate with the good that can be accomplished.

INSURANCE

This Department has greatly grown in its work, not only as a protection to those who hold insurance policies whether fire or life, but as a revenue producer for the state. Your attention is directed to the report of the Department which clearly indicates efficient management of those in charge.

MINE INSPECTION

Your attention is directed to the annual reports of the Chief Mine Inspector. These reports, together with the comments on conditions in Alabama made by the chairman interested in this particular work, indicates that much has been done to bring about efficiency in mine protection and mine inspection. The present Board have been diligent and scientific in enforcing the mining laws and in seeing that proper protection has been granted to those working in the mines. The mine operators have met the proper spirit and the result has been the very lowest rate of mine accidents in the history of the State. This is very gratifying.

PRISON INSPECTION

This Department has functioned most efficiently and carefully and has been enabled to bring about highly desired improvement in the management of our jails and alms houses. This is one of the most essential Departments of the State as a conservator of the health and welfare of those unfortunately confined in our jails and almshouses. This Department has also been a check and aid in the matter of the food and its price paid by the State for prisoners confined in our jails. This Department should be maintained at the very highest standard.

DEPARTMENT OF GAME AND FISHERIES

I call your especial attention to the work of the State Department of Game and Fisheries. During my administration, no Department of the state has functioned more efficiently and no Department has produced more satisfactory results. The conservation of wild life is a reality in Alabama, and under the constructive policies of the Department we may rest assured that these important resources will be preserved to posterity.

In addition to this work, the Department has given the State some of its most desirable publicity during the past quadrennium, thus not only carrying out its own particular work, but also helping in the larger work which should be a part of the program of every oficial—that of bringing Alabama to the favorable attention of the nation.

The efficiency of this Department is at present handicapped only by inadequacy of the statutes under which it operates. The Commissioner, after detailed study, has prepared a set of recommendations for your attention. I have gone carefully over these recommendations and cordially commend them to your favorable consideration.

TAX ON NATIONAL BANKS

Your especial attention is called to a recent Federal decision rendered by the District Court of the Middle District of Alabama, as effecting taxes levied by the state, the county and the city, upon the stocks of national banks. The effect of this decision is to deplete the revenues of the state, counties and cities and to place state banks at a great disadvantage in the burden of taxation. An appeal has been ordered taken in this case, but your attention is directed to it at this particular time that the necessary laws may be enacted to safeguard the situation.

BUSSES AND TRUCKS

Your attention is requested to the report of the Tax Commission upon this subject matter, and I recommend further limitations upon the weight and size of trucks and busses used on our highways and that they be required to contribute more revenue towards the up-keep of these highways.

CONFEDERATE PENSIONS

Under the Acts of the last Legislature Alabama makes better provision for Confederate Veterans in pensions than does any other State. Here the rate is as high as is the highest with less limitations upon the eligibility of beneficiaries. Under those Acts the amount actually paid out by our State Treasury for pensions to Confederate Veterans and their widows during this administration was increased by the amount of $3,730,056.00 over what it would have been under the old law.

But for those increases in pensions our Treasury would be three and three quarter millions better off, which would pay all that we owe and leave a great surplus besides.

Every Alabamian should be proud that she has been true to these who are her own in the hour of their passing.

The Pension Commissioner reported that after these increases to the pensioners there was an immediate marked drop in the rate of their mortality. Surely the State's provision of creature necessities came none too soon to her remnant of the "Thin Gray Line," whose pride faced death from privation rather than disclose distress.

After the Revenue Bill had passed and appropriations adjusted to it had been made, the last Legislature and Governor joined in making the last pension increase, fully realizing and letting it be known of all that this increase, would put our Treasury behind temporarily, but only temporarily, for it would readjust itself soon.

True this one-mill Veteran Tax has lacked a little over three million dollars of bringing in as much money as it has been necessary to pay out on pensions during this administration, which three million dollars has had to be paid out of the General Fund of the Treasury; this is changing fast. The income from the one mill tax is increasing steadily while the outgo to pensions is decreasing rapidly.

In 1927-28, which was the first fiscal year in which the present Pension Law operated, the one mill tax lacked $1,165,930.95 of bringing in enough to pay the pensions, which lack had to be paid out of the General Fund. This year the two larger quarters of which have been paid already, the one mill tax will lack less than one-quarter of a million dollars of bringing in enough to pay the pensions. If present rates stand, next year, which will be the first full fiscal year of the next administration, the income from the one mill tax will be in excess of the amount needed to pay all pensions and this excess will grow rapidly from year to year, thus soon repaying into the General Fund this three million dollars which has been paid out of it.

The following table shows results for the last three years: (The year 1926-27 is not shown for in it there were different rates.)

1928

Pensions Paid, Salaries & Refunds	2,297,333.01	
Cancelled Warrants		5,625.00
One Mill Tax & Refunds		1,125,777.06
Paid by General Fund		1,165,930.95

1929

Pensions Paid, Salaries & Refunds	1,994,411.43	
Cancelled Warrants		4,095.00

One Mill Tax & Refunds		1,157,597.24
Paid by General Fund		832,719.19

1930

Pensions Paid, Salaries & Refunds	1,727,117.13	
Cancelled Warrants		2,535.00
One Mill Tax & Refunds		1,187,986.69
Paid by General Fund		536,595.44

The continued operation of the Soldiers Home at Mountain Creek as at present deserves your careful attention. The overhead is practically constant and the number of patients has become so reduced as makes the per capita cost exceedingly high. It may be that equal care or less expense can be found.

STATE TRAINING SCHOOL

In its State Training School at Gadsden, the State has made a beginning towards providing manual training for its worthy boys. There are now about one hundred boys there. In this great field much work is needed. This institution is now under control of the State Board of Education and the information which you will probably wish upon it will be found in the report of the Department of Education. It should have your fostering care.

DEPARTMENT OF AGRICULTURE AND INDUSTRIES

As in many other states, the agriculture of Alabama has suffered materially the past year from drought and the extremely low price of cotton. The value of farm products for 1930 is Fifty million dollars below that of 1929, and farmers will have great difficulty in meeting their obligations and at the same time carrying on in their usual manner during the coming season. A large portion of their indebtedness of 1930 will have to be carried over unpaid, and credit for 1931 will be difficult to obtain. Their ability to pay taxes on their assessed valuation is seriously impaired, and the legislature will do well to carefully consider this situation when casting about for sources of revenue.

In the meantime the Board of Agriculture, through its executive officer the Commission of Agriculture and Industries, has functioned to the very best of its ability. It has taken the lead in meeting the emergency caused by the drought, and has presented to the Congress the needs for credit facilities. It has rendered efficient service under the Agricultural Code in the regulation of activities affecting agriculture. Throughout the past four years the new code of laws affecting agriculture has been found satisfactory as the basis of this service.

The Board of Agriculture, at the proper time, will present to the Legislature some minor corrections and revisions to that code found desirable. These will be merely corrective and will require no material amendments to the present laws.

During the period beginning October 1, 1926, and ending September 30, 1930, the Department of Agriculture and Industries has received in fees, licenses, and sales of permits the sum of $1,607,263.34. During the same period it has expended in its activities $1,242,260.01, leaving an unexpended balance of $365,003.33. Of the latter amount $175,046.48 reverted to the general fund of the state under the former law. Beginning with October, 1927, all moneys received by the Department became a revolving fund to its credit until used. On September 30, 1930, there was in the treasury to the credit of this fund $188,956.85. The Board estimates that its receipts for 1931 will be reduced by about 25 per cent. The Board, in preparation for this reduction, has so budgeted its expenditures as to reduce them by $50,000 for the current year. It appears that, with this reduction in expenditures, the present surplus will be reduced by about $33,000, still leaving a comfortable balance for future operations without seriously impairing the service of the Department. Your attention is directed to the detailed report of this Department.

HIGHWAYS

I submit with my full approval the following excerpts from the Quadrennial Report of the Alabama Highway Director:

"Since assuming the position as Alabama Highway Director the standard for highway construction has been raised by the Bureau of Roads. We have met all requirements of the Bureau and inaugurated many new methods that have gone far toward placing Alabama highway plans and specifications at the top in the United States.

In 1926 we were about thirty on the list in regard to grade separations at railroad crossing. 1929 placed us on an equal footing with the best. That is we are even with one and better than all other states in regard to grade separation for number of miles of roads built.

The center joint in our paving, our bridge plans, our wide rights of way, strict adherence to good alignment—30 foot road bed instead of 26 and many other innovations have put Alabama's roads on par with the best in the United States.

So far as our present state system is concerned the house has almost been erected but it needs a roof.

During the last four years Alabama roads have been built for less unit costs than those of any other state in the United States; and the overhead cost for the work accomplished has also been much less than that of other states.

I am attaching hereto a comparative statement showing the number of miles of different types of road constructed and bridges constructed during my term of office.

ALABAMA STATE HIGHWAY DEPARTMENT
MONTGOMERY, ALABAMA, JANUARY 1, 1931

The following tabulation shows the length of road and bridge contracts awarded from the beginning of Federal Aid in 1916 up to January 17th, 1927:

	Miles
Graded and drained	370
Graded, drained, and surfaced with sand-clay and topsoil	629
Graded, drained, and surfaced with gravel and chert	1,540
Graded, drained and surfaced with bituminous surface	242
Graded, drained, and surfaced with cement concrete	113
Total	2,894

Bridges over 30-foot clear span 91,058 Lin. Ft.

The following tabulation shows the length of road and bridge contracts awarded from January 17, 1927 up to January 1st, 1931:

	Miles
Graded and drained	650
Graded, drained, and surfaced with sand-clay or top soil	344
Graded, drained and surfaced with gravel or chert	1,072
Graded, drained, and surfaced with a bituminous surface	170
Graded, drained, and surfaced with cement concrete	451
Total	2,687

Bridges over 20-foot clear span 102,960 Lin. Ft.

15-State owned toll bridges with approach fills 15 Miles."

Your careful attention to the full detailed report of this Department is requested.

From these reports it will be seen what has been accomplished and I desire to call your attention to what is in course of accomplishment. These reports show that the net amount of the State's obligation on all outstanding contracts of this department as of the first day of January, last, was $2,650,242.16. Of this amount $2,163,968.42 is on contracts with the State Board of Administration, which envolves the exchange of money from one department to the other, the major portion of which is discharged in convict labor. The average time that will be required for the completion of these contracts is estimated to be seven months. The total net State obligation of all outstanding contracts other than those with the State Board of Administration was only $486,275.74, $254,504.04 being on Federal Aid projects.

In a summary statement of the examination by the Public Examiners of the Highway Department, which is included in the Report of that Department, will be found a table showing expenditures from both old and new bond funds, miscellaneous funds and gas funds, together with a total cost by counties. Please give this your careful study. It is made as of the close of the last fiscal year.

Please note that those counties that did not receive their full quota under the first issue have been compensated by more than a corresponding excess under the second issue with a single exception of Winston County, which lacked $18,869.57 of receiving its first quota, which is uncompensated.

It will also be noted that of the second bond issue, Colbert County lacked $24,135.85, Lawrence lacked $48,916.19 and Winston lacked $4,819.19, or a total of $78,870.23, and that all other counties had received an excess.

To take care of this $78,870.23 due the three counties out of the last Bond Issue and also the $18,869.57 due Winston County under the First Issue, or a total of $97,769.80, there is a balance of more than $400,000.00 in the Highway Bond Fund and quite a sum yet to be credited to that Fund out of Federal Aid when it shall have been collected.

At the close of the fiscal year the combined balances of Auto License Fund and Gas Fund to the credit of the Highway Department showed an aggregate of $2,943,968.20, however, $1,052,000.00 of this is only a book credit that has been carried some eight or ten years that ought to be written off by law. It happened in this way: When the first Road Bond Issue was submitted and a Tag Tax levied for its amortization, the tax was collected, but the bond issue was declared invalid by the Supreme Court. There being no bonds to amortize this money made possible the building of Kilby Prison, one of the great constructive acts of that business Governor, whose name it bears. This was in all respects as legal as it was wise.

Let me in this connection call your attention to the law under which it was done, which will be found on Page 31 of the Acts of the Special Session of the Legislature of 1909, one of the greatest constructive acts of Alabama's Business Governor, Comer. This Act makes possible the practical operation of Alabama's fiscal affairs without stopping appropriations until the State should have gotten a year ahead by the consolidation of funds except those regulated by the Constitution of the United States and the Acts of its Congress.

This $1,052,000.00 collected from the Tag Tax for the invalid bonds has been continually carried as a book balance in the Tag Fund, while as a matter of fact it has not been in the Treasury as above explained during two administrations and it should be taken off because for all practical purposes that net balance of $2,943,968.20 above referred to is really only $1,891,568.20.

In the matter of matching Federal Aid, there has been considerable misunderstanding. Congress has authorized $1,660,000.00 to reimburse Alabama for expenditures on Flood Relief. We have endeavored to secure this amount without matching but further effort on this line I now think useless. There has been collected on this sum $325,468.66. There are vouchers in the hands of the Federal Bureau together with those awaiting formal approval by the United States Secretary of Agriculture, for an additional amount of $161,723.51, leaving a balance of $1,131,307.83, after deducting $41,500.00 estimated Federal expense which will be necessary to match or secure an extension of time beyond June 30th, next, through our delegation in Washington. It is not thought that this will be difficult. As to the regular Federal Aid, we are ahead instead of behind on matching it, this having been possible by the Federal authorities having authorized the anticipation of these appropriations. The Department reports that if no additional contracts were awarded none of the Federal Aid funds allotted to Alabama would lapse before July 1, 1933. The issue of contracts advertised for the 14th inst., of approximately $1,700,000.00 all of which are Federal Aid projects, will further reduce Alabama's allotted quota. For exact figures on this matter you will refer to the Highway Department's report.

I believe that another road bond amendment should be submitted to the people and that it should be ratified for enough to finish paving our through roads.

Complete paving of the State's through roads would bring through it much travel from without, and with the added revenue that would come from the resulting increased sale of gasoline, I believe that we would pay off the whole amount needed for their completion more easily and quickly than we by ourselves will be able to pay the $50,000,000.00 that have been issued heretofore. Besides, we would have the completed roads and a great stimulus would be given employment and business.

I suggest for your consideration the submission of an amendment authorizing issuance of road bonds to an amount within two limits; the first limit being that the total face value of all bonds issued shall not exceed eight times the amount of net annual revenue available for its amortization, provided that when all of any series issued has been retired that series shall be eliminated from this first limit; the second limit being that the total amount outstanding at any one time shall not exceed a fixed sum, say $100,000,000.00.

The reasons for the first limit:—that the amount of all issues, any part of which are outstanding, should not exceed eight times the annual revenue, are:—that to amortize a bond in thirty years requires about 6% per annum of its face value, further:—that to maintain average state roads requires about 4% per annum of their cost, thus to pay for and to keep up the State roads required 10%

per annum of their cost. There should be added one-fourth of this amount to take care of emergencies, such as floods and economic depressions that reduce income after issuance. This means that 12½% of the total cost of the roads are necessary each year for amortization, maintenance and marginal safety.

Of course any increase in revenue such as raising the gas tax would raise this first limit: therefore, a second limit of an arbitrary maximum outstanding total is wise; to discourage too great a raise in the gas tax. Such an amendment should also provide that every county shall receive as much as 1% of each issue.

A law raising the gas tax one more cent for State road purposes and limiting the total for all purposes to not exceeding six cents (6c) per gallon would in my judgment be wise.

The combined tag and gasoline tax income for the last fiscal year aggregated $6,370,163.66. As I view it, this income would not justify the issuance of more than one million dollars of road bonds in addition to those we have heretofore issued. But if the rate were raised one cent (1c) more, under the proposed amendment there might well be issued thirteen million and this could be increased eight times as fast as the income increased, until the second limit fixing the maximum amount allowed to be outstanding is reached.

FIRE MARSHAL

This Department, we believe is functioning efficiently and is a great protection to the insurance companies, who defray all of its cost. It is of especial benefit to the State in inspecting the fire hazards of the State's Rural School buildings, as well as aiding private property owners in this regard. You are referred to its report.

BANKING DEPARTMENT AND BUILDING AND LOAN DEPARTMENT

The State Banking Department has had a most trying quadrennium. The most unhappy experience of the Administration developed in this Department. This is known of all and will have no further place than this acknowledgment. The Department is in competent hands and is performing its difficult duties efficiently. Your careful study of its report is requested.

FLOOD OF MARCH, 1929

The greatest disaster that has befallen Alabama in many years was the flood of March 15, 1929, which well-nigh destroyed several cities and towns and much of the country in the Southeastern portion of our State. The generous and heroic responses of our whole people to relieve the danger and suffering of the victims of this flood is one of the brightest pictures in the history of our people,

and I desire again to pay tribute to the Red Cross of America for the indispensible service so efficiently rendered in this great emergency.

I would like to repeat in substance the following recommendation made by me to the last Legislature:

THE JUDICIARY

There is too much delay in the administration of both civil and criminal law. It seems to me that we approach this subject from the wrong angle, and seek relief by increasing the number of our judicial officers, rather than by simplifying the rules of procedure. Simplifying procedure eliminates technical delays, reduces the number of judges necessary to apply the law and expedites its administration. An underpaid judiciary is a poor economy. It is better to increase the pay of judges than add to their number. I further suggest the consideration of such constitutional and statutory changes as will make retrials after reversals in criminal cases "de novo." If the trial that was reversed was not good as a conviction of a lesser degree of the crime charged it should not be good as an acquittal of a higher degree charged.

COUNTY AND MUNICIPAL BONDS

The unnecessarily high interest rate being paid upon our county and city bonds is costing our people many millions of dollars. It is easily possible to save this great and unnecessary expense and at the same time establish a credit in the bond markets for these branches of government that will enable them to dispose of their securities at a lower interest rate and at par value. To accomplish these results will require legislative enactments and perhaps constitutional amendment. I suggest the raising of a joint committee to investigate the matter and recommend to you the necessary legislative action.

THE FEE SYSTEM

A fee system is fundamentally bad. I recommend that you submit a constitutional amendment, to be voted on at the next general election, authorizing the Legislature to place any officer upon a salary at the expiration of his term of office.

WORKMEN'S COMPENSATION LAW

The workmen's compensation law should provide a shorter waiting period, higher rates of compensation, and increased medical and hospital benefits.

A Workmen's Compensation Commission would, I believe, many times pay its cost in the added benefits it would bring to those for whom the law was intended.

SUNDAY

We should protect our Christian Sunday, and prevent it being commercialized by amusement operated for gain.

REPRESENTATION

I believe it is your duty to carry out the provisions of the Constitution upon reapportionment of representation in the Legislature.

STATE TAX COMMISSION

The duties of the State Tax Commission have been greatly increased both in magnitude and difficulties.

New tax levies required new machinery for enforcement.

It is believed that the present organization is well adapted to accomplish its purposes and that it has efficiently performed its duties.

The report of this Commission is commended to your careful study. It is worthy of note that the amount of funds collected by the Tax Commission in the year 1925-26 was $3,321,502.17 and that the amount of the funds collected by it in the year 1929-30 was $12,437,705.86. It will also be noted that the percentage of cost of collection in 1925-26 was 5.866 and that the percentage of cost of collection in 1929-30 was 3.503. The increased volume naturally reduces this percentage, however, it is still high.

Believing that an organization insufficient to enforce thoroughly revenue laws would be not only short-sighted economy but would subject those who honestly pay to the unfair competition of others who do not pay, a personnel sufficient to secure thorough enforcement has been maintained.

Section 70 of the Contitution provides that:

> "The Governor, Auditor, and Attorney General shall, before each session of the Legislature, prepare a general revenue bill to be submitted to the Legislature for its information, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies of the bill so prepared, which the Governor shall transmit to the House of Representatives as soon as organized, to be used or dealt with as that House may elect."

Pursuant to this provision those officers have caused to be drafted and printed, and there is laid before you the bill required.

The bill is practically a codification of the State's revenue laws corrective administrative defects, clarifying obscurities and conflicting provisions and removing legal defects that have developed in the experience of the Attorney General's office and the Tax Commission. You will note that the bill is so written as to continue the two-mill (two dollars per thousand) corporation franchise tax after this year and that there are two changes essentially revenue

producers, first, a gross receipt tax on picture shows and, second, a gallonage tax on the syrup used in compounding soft drinks.

Tax discriminations between foreign and domestic corporations and exemptions of mortgage loans from insurance premium taxes are removed because it is thought these discriminations are possibly unconstitutional and that if attacked might prove fatal to these schedules. As an incident to the removal of these discriminations there would be a slight increase of revenue here. There is also a prohibitive license put upon dance halls outside of incorporated places.

As a codification of the revenue laws, curative of administrative doubts and corrective of legal defects, I commend this bill to your careful consideration, but I wish to make it clear that in my opinion, changes in fiscal policies are within the province of the incoming rather than of the outgoing executive.

This is just as true now as it was four years ago.

The credit of the State is beyond question. No bank has ever failed to let us have all that we have asked for, and I am sure that this will continue true, and that no incumbent of this office will have any difficulty in securing all money needed that is to be repaid during his administration. The State has had occasion to borrow money repeatedly during this administration as it has had theretofore. This is done by borrowing the $300,000.00 Constitutional Loan and by certification of State warrants, the interest of which is provided for by a continuing annual appropriation of $100,000.00 to what is known as the Governor's Interest Contingent Fund.

The maximum amount of warrants certificated at any one time during this administration was $4,566,514.16.

At present there are outstanding $1,033,910.23 certificated warrants with the First National Bank of Montgomery, to be paid on January 15th, next, and $1,054,474.00 certificated warrants with the Irving Trust Company of New York to be paid April 1st, next, and a note to the First National Bank of Birmingham for $300,000.00 due February 1st, next. This is all.

At the time of this writing, January 10, 1931, I am advised by Mr. Charles Lee, Examiner of Public Accounts, in response to request to Chief Examiner, for the information from his Department, that the "bills payable" of the State on this day (the 10th of the month being generally the peak), including all that are vouchered, also including all invoices that have been received, even though not yet vouchered, is $1,191,567.69

Less the following amounts:

From Highway and Convict Department	$ 78,813.14	
Payable by Mobile County	34,405.97	
Federal Aid earned and in process of vouchering	341,324.56	454,543.67

Leaving a net total of all "bills payable" vouchered, together with all invoices in process of vouchering of 737,024.02

This aggregate figure of $737,024.02 is not a large amount for a $50,000,000.00 a year business. It is less than one average week's expenditures.

But there is also immediate need for further Educational disbursements. The outstanding certificated warrants will be largely reduced before the end of the administration but the "bills payable" will not be, neither will the needed educational disbursements be met. It will, therefore, in my judgment, be wise to promptly certificate warrants for these two purposes aggregating probably $2,000,000.00, which added to certificated warrants that will not be retired by this administration would make the total outstanding amount to some $3,000,000.00.

There have been issued some warrants against the contingent appropriation for buildings at institutions of learning. The Law provides that these appropriations, "shall be payable in whole or in part from time to time on the approval of the Governor as in his opinion the condition of the Treasury may warrant." These appropriations are sorely needed by these institutions and should be met as soon as possible.

But for the acute economic depression from which the whole world has recently suffered, we have reason to believe and do believe that the administration would have paid off every obligation and left a comfortable balance after having borne, as it has borne, the burden of buying and paying for two million dollars of property now owned by the State and operated at a profit in the employment of its convicts and having paid out three and three quarter million dollars on Confederate Pensions in addition to what would have been paid under the old law, besides the Education, Health, Child Welfare, Port, Roads, Bridges and Eleemosynary improvements that have been briefly outlined.

Reverently thanking Divine Providence for the opportunity that has been mine to serve Alabama in these, its foundation building years, and thankful for ever present help and guidance throughout this service, I devoutly pray for Alabama, for her people and for her every public officer a continuance of this guiding and blessing.

BIBB GRAVES,
Governor of Alabama.

XXIX

MESSAGE OF THE GOVERNOR

To the Senate and House of Representatives:

This is my first message to the Legislature. In it let me offer you my congratulations on your election, on your assembling as the law-making body of the great peple of this State, and on the great opportunity for public service which is before you. You will meet the occasion and acquit yourselves like true men.

The Democratic party held no convention; it proclaimed no platform of principles and it adopted no policies but in the nominations made and in the election results, principles have been declared and policies have been proclaimed which require your consideration and which should be enacted into laws by Democratic authority.

1. Majority rule in making nominations in primaries should be restored; and the single primary rule, with right to second choice vote, now fixed by Statute, should be repealed.

2. The appointment of law enforcing officers, I find under the Statute is discretionary with the Governor. These officers in my opinion are unnecessary. They will be discharged. The sherisff can and should perform that duty. Let the responsibility rest on them where it belongs. However, the Statutes permitting their appointment and making appropriations for their compensation should not be repealed; so they can become operative at any time, if my opinion should prove wrong.

3. A bill should be enacted, authorizing the Governor to have a detailed study and survey made of the State Government and providing an appropriation to cover the cost of the same, with direction that report in writing thereof be made to you and him.

4. A bill should be passed providing for the better protection of the public moneys, requiring an audit to be made of those offices, departments and institutions of the State Government which are charged with duties involving the collection or expenditure of public funds; and reports thereof to be made to you and the Governor by the examiners.

5. Under a bill which should be passed by you, in my opinion, all unpaid state warrants and accounts should be required to be registered by the owner with the Treasurer within a fixed time, in order to determine the total amount of the present outstanding current debts of the State; and the warrants and accounts so registered to be paid in the order of their registration.

6. It is my opinion and view that the duties now imposed on the State Tax Commission, composed of five persons, the State Highway Commission, composed of three persons, and the State Board of Administration composed of two persons, can best be performed by substituting one official for the personnel of each of such Commissions and Board; thus eliminating seven out of ten officials; and I beg, therefore, to earnestly recommend for your consideration the enactment of measures bringing about such changes.

7. A trial by a fair and impartial jury as guaranteed by the Constitution should remain secure and safe through the jury box for all of our citizens! and a bill to this end should be passed by you.

A pleasant and successful co-operation of the Executive and the Legislative branches of the State Government in the peformance of their respective duties is earnestly to be desired. It can be accomplished by the sincere harmonious and patriotic effort of each.

Such effort will assure an unbroken continuance of cordial relationship between both branches; and much needed public good will result.

Let me assure you that I shall at all times be ready to cooperate with you in the public interest and I trust that I may from time to time be privileged to call on you in a similar spirit.

Very respectfully,

B. M. MILLER,

Governor.

MESSAGE OF THE GOVERNOR

To the Senate and House of Representatives:

The great problems facing you today, are: 1st. Debts and taxation; 2nd. construction and maintenance of public highways; and 3rd. adequate appropriations for schools, colleges, health, elemosynary institutions, agriculture, and other departments of the State. These appropriations should not exceed the annual available revenue.

Hereto attached is a report in writing from Hon. L. G. Smith, Director of the State Highway Department, giving facts and figures, requested by the Senate in regard to receipts and disbursements during certain times, and the prospective amounts to be received from the Federal Aid Funds for road construction during this Administration.

It appears from this report that Alabama is entitled, now from the Federal Flood Relief Fund of the United States for roads, to $1,132,283.11. This must be matched with an equal sum by the State before the 1st day of July, 1932, or it will be lost. Then during this administration, ending in January, 1935, including the above amount, the prospective Federal Aid Funds of the United States for roads will total $13,932,675.47 for Alabama, if matched dollar for dollar by the State. If we fail to match it, then this will be lost to Alabama. To secure that $13,932,675.47 for roads from the United States in this State, Alabama must raise and place on the roads $13,932,675.47.

The State Examiner of Accounts, Hon. W. K. Smith, makes written report, hereto attached, showing amount of current indebtedness of the State on April 30, 1931; estimated receipts to September 30, 1931; estimated disbursements to September 30, 1931; and the liabilities on account of present appropriations made that will be due and payable for schools, etc., on 1st day of October, 1931. These liabilities are summarized as follows:

Amount of current debts on April 30, 1931	$12,358,029.63
Amount of increased current debts due to excess of appropriation liabilities over income, between April 30th and September 30, 1931	3,806,765.73
Current indebtedness on September 30, 1931	$16,164,795.36
Amount due various trust funds	455,403.46
Amount of liabilities due and payable under present appropriations for schools, etc., on October 1, 1931	2,433,137.98
Total current debts of State on October 1, 1931	$19,053,336.80

This $13,932,675.47 of Federal Aid for roads must not be lost to Alabama. It must be matched and placed on the highways of

Alabama. We have good roads—we must have better roads and those who use and destroy the roads must construct and maintain them. This was one of the slogans that met success at the polls in the Democratic Primary and in General Election in 1930. Motor vehicles are destructive to roads and the gas used by them should be taxed to aid in constructing and maintaining the highways. Road construction and road maintenance must not end in Alabama; but it should continue by convict labor and by contracts. Highway maintenance and road contracts will end unless you make funds available within sixty days.

This current liability—$19,053,336.80—of the State of Alabama must be paid—the warrants of Alabama must be cashed. Alabama warrants should never be permitted to be carried from bank to bank and payment refused. Every warrant of the State should be, when issued, worth in cash its face value. Practically all of this $19,053,336.80 liability of the State is due its citizens. They are entitled to the money and it should be paid to them.

We should economize in our financial affairs of government to meet these obligations. The government should be run economically and efficiently. But with even the most rigid economy we could not hope to pay this Nineteen Million Dollar liability. In the Democratic Primary and General Election campaigns it was stated that taxation had reached the maximum in Alabama and should not be increased. This met with favor at the polls. How then can this current debt of the State be met and campaign pledges kept with the Democratic voters?

The amount of the current liability of the State is much larger than was expected. Taxation should be equalized. The real and personal property of the State has borne and is bearing the burden of taxation. The homes, the farms, business property and personal property in this State have always been taxed. Income is property and has never been taxed for State purposes in this State. It cannot, under the Constitution, be taxed more than six and one-half mills on the dollar. This, if imposed, would raise only a trifling sum.

Income property has escaped taxation in Alabama. No promise in campaigns was made to allow it to continue to escape. A tax on income property would not increase taxes; it would increase the revenue of the State by a tax on property that is escaping taxation in Alabama. No fairer tax could be imposed. If you have no income over and above the exemptions and credits you will pay no income tax. It is a just tax.

The ad valorem tax on real and personal property should be lowered gradually every year when a tax is adopted and imposed on income.

Alabama should live within her income. The annual appropriations for all purposes should never exceed the yearly income to

the State from all sources. When the appropriations exceed the income there is danger ahead.

The Senate and House appointed a Recess Committee of thirty-three to look into the present problems of the State and to consult with the Executive and others relative to them. They met once in the Executive office, where they were in session for hours. Many matters were elaborately discussed. The following suggestions, which were made, appear to have been wise, conservative, progressive and appropriate to our problems:

FIRST, Submit a constitutional amendment to the voters for their rejection or ratification allowing a bond issue for roads not exceeding in amount Twenty-five Million Dollars; and at least Two Hundred Thousand Dollars thereof to be used in road building in each County; to permit each County to issue bonds for roads not exceeding in amount Five Hundred Thousand Dollars, if approved by vote of majority of the people voting at an election in the County held for that purpose, the same to be secured by the present two cent per gallon gas tax of the County; to increase the permanent borrowing capacity of the State from Three Hundred Thousand Dollars to Three Million Dollars; to issue warrants, or notes or bonds in amounts not exceeding Twenty Million Dollars to pay the deficit of the State as of October 1st, 1931; to permit a graduated income tax, modeled after the Federal Income Tax; to permit an inheritance tax not to exceed eighty per cent of the amount collected by the United States Inheritance Tax Statute; to reduce gradually the ad valorem tax on real and personal property annually; and to make provision to prevent a recurrence of the present financial condition of Alabama.

SECOND, A bill to be enacted levying a two cent tax on each gallon of gas sold to take effect at once; to remain in force until the Twenty-Five Million Dollar bond issue is approved. The tax then is to be reduced to one cent per gallon and same to be used to pay interest and to create a sinking fund to pay the road bonds. A bill of this character should be enacted immediately by you in order to keep the highway department functioning.

THIRD, To pass an enabling income tax bill to be effective when the income tax amendment is approved by the Electorate; a part of the tax to be used to pay annually a part of the bonded debt and the interest thereon, and a part of the tax to be used annually for the elementary schools of the State.

FOURTH, To pass an inheritance tax statute, effective, if the inheritance amendment is approved by the Electorate.

FIFTH, To pass a bill to permit the appropriations, except as to fixed salaries, and the elementary schools, to be reduced pro rata any year they exceed in amount the income; so that the State will live within and not exceed its income.

My information is there is now pending before you a constitutional amendment drawn by some of the Recess Committee in line with the above suggestions; also enabling acts and bills are pending before you in accordance with the suggestions as above stated.

Income property is untaxed. It has escaped taxation. It should escape no longer. It has already escaped too long in Alabama. Will you submit the question to the voters for their decision or will you deny them the right to pass on it and thereby permit income property to continue to escape taxation? The real responsibility rests on you. Let the people be trusted to decide it.

In my opinion you will meet the issue courageously and decide it correctly.

If we all work together, study the interest of the State, cooperate for the good of all citizens, equalize taxation, see that there are no tax slackers, tax dodgers, or tax escapers in Alabama, then the tax burden will be light on all, we will have better roads, better schools, better colleges, better health, better agriculture, better eleemosynary institutions, a happier and more contented citizenship, a greater State resting on a sound financial base, with plans for debts to be paid and with a progressive forward movement along all lines; and each of us will then know that we have performed our duty faithfully and well.

Respectfully,

B. M. MILLER,

Governor.

June 9, 1931.

STATE OF ALABAMA

STATEMENTS SHOWING CURRENT INDEBTEDNESS, APRIL 30, 1931 AND ESTIMATED INDEBTEDNESS AS OF SEPTEMBER 30, 1931.

PREPARED BY

DEPARTMENT OF EXAMINERS OF ACCOUNTS.

Hon. B. M. Miller,
Governor of Alabama,
Capitol.

Dear Sir:

This Department has made an examination of the Records and Accounts of the State for the purpose of determining the current indebtedness of the State, and estimated indebtedness as of September 30, 1931. As a result of this examination we have prepared and submit herewith the following statements:

Statement No. 1, Current Indebtedness as of April 30, 1931.

Statement No. 2, Estimated Receipts, May 1st to September 30, 1931.

Statement No. 3, Estimated Disbursements, May 1st to September 30,1931.

The information contained in these statements may be summarized briefly as follows:

CURRENT INDEBTEDNESS—APRIL 30, 1931, AND SEPTEMBER 30, 1931

Liabilities April 30, 1931

Auditor's Warrants, net outstanding, excluding warrants due State Departments		$ 11,115,569.38
Accounts Payable for Material and Supplies, road contractor's estimates and sundry accounts for which warrants had not been issued		1,464,920.55
Temporary Bank Loans		300,000.00
Unpaid Appropriations due Educational Institutions for buildings and for which warrants had not been issued		868,750.00
Total Liabilities		$ 13,749,239.93

Assets April 30, 1931

Cash in Treasury	$ 904,666.17	
Due for merchandise sales, and from Federal Govt. on Federal Aid Vouchers	486,544.13	
Total Assets		1,391,210.30
Net current indebtedness, on April 30, 1931		$ 12,358,029.63

INCREASE IN CURRENT INDEBTEDNESS, MAY 1 TO SEPTEMBER 30, 1931

Estimated expenditures on account of appropriations due Educational and Eleemosynary Institutions, Pensions, Road Maintenance and Construction, Interest on Debts and Departmental expenses	$ 14,762,110.19	
Estimated Receipts from various taxes, licenses, Federal and County Aid, sale of products of farms, cotton mills, etc.	10,955,344.46	
Net increase in current indebtedness		3,806,765.73
Estimated Current Indebtedness as of September 30, 1931		$ 16,164,795.36

The foregoing statement shows only the indebtedness due to creditors of the State, and to various Educational Institutions and County governmental agencies on account of educational appropriations, absolutely exclusive of trust fund balances and inter-departmental accounts.

In the estimate of the current indebtedness of $16,164,795.36 as of September 30, 1931, it has been assumed that all cash on hand on April 30th and all cash received subsequent thereto will have been paid out as of September 30, 1931, leaving nothing in the treasury at the close of business on that date. At that time the General Fund will owe the various Trust Funds $455,403.46, none of which has been included in the foregoing statement, and on October 1st, a liability on account of appropriations due on that date for educational, correctional and eleemosynary institutions, and for pensions, will become due and payable. The approximate amount of this liability will be $2,433,137.98. Therefore, in order to pay the current indebtedness of the State, to replace the Trust Funds and to pay the appropriations due on October 1st, the State Government would require a total sum of $19,053,336.80.

The information now available has enabled this department to completely check and revise previous estimates, and to determine more accurately the outstanding liabilities. The final result shown herein is greater than the amount of indebtedness shown in a report submitted by this Department on April 14, 1931. This difference is largely due to decreases in estimated income from taxes and licenses which, with the exception of ad valorem taxes are running considerably below the averages of preceding years. The decrease in income is greater than the reduction in operating expenses, consequently the estimated current liability as of the end of this fiscal year is increased.

Respectfully submitted,
WALTER K. SMITH,
Chief Examiner of Accounts.

Montgomery, Alabama, June 8, 1931.

STATE OF ALABAMA

Statement No. 1.

STATEMENT OF CURRENT INDEBTEDNESS AS OF APRIL 30, 1931

CURRENT LIABILITIES

Auditor's Warrants:			
Warrants bearing certificate as to date of payment		$ 5,808,854.14	
Warrants issued to pay appropriations for Educational Buildings		975,000.00	
Warrants issued to pay Educational appropriations, Departmental expenses, etc.	$ 4,529,282.50		
Less: warrants payable to State Board of Administration	197,567.26	4,331,715.24	
Net warrants outstanding April 30, 1931			$ 11,115,569.38
Accounts Payable:			
Highway Department Accounts:			
Cement Bills	$ 303,121.23		
Mcl. Construction Material	400,716.05		
Road Construction Estimates	392,821.54		
Gen. Office Accounts	21,467.22	1,118,126.04	
Convict Department Accounts		152,219.39	
Fire Losses payable from State Insurance Fund*,	118,343.08		
Less: Re-insurance Due	28,915.00	89,428.08	
Other Accounts Payable		105,147.04	
Total Accounts Payable as of April 30, 1931			$ 1,464,920.55
Temporary Bank Loans			300,000.00
Appropriations due Educational Institutions:			
Prior to April 30, 1931			868,750.00
Total Current Debts as of April 30, 1931			$ 13,749,239.93

CURRENT ASSETS

Cash:			
Cash balance in Treasury, April 30, 1931		$ 904,666.17	
Accounts Receivable:			
Accounts due Convict Department from outside sources	$ 263,544.13		
Federal Aid Due	223,000.00	486,544.13	
Total Assets as of April 30, 1931			1,391,210.30
Excess of Liabilities over available Current Assets as of April 30, 1931			$ 12,358,029.63

*This fund owns $175,000.00 in bonds which are being held to apply on a required reserve of $500,000.00. On account of the deficiency in the reserve these bonds are not considered as available to meet liabilities outstanding at the present time.

STATE OF ALABAMA

Statement No. 2.

ESTIMATED RECEIPTS
MAY 1st, 1931 TO SEPTEMBER 30th, 1931

Source	Amount	Total
Educational Funds		
General Educational Tax	$ 347,020.93	
Coal Tonnage Tax	131,796.78	
Severance Tax	52,983.32	
Tobacco Tax	304,260.80	
Miscellaneous Educational Funds	105,283.25	
		941,345.08
Department of Agriculture & Industries		54,153.30
Alabama Bridge Corporation		
Tolls		125,000.00
State Insurance Fund		134,693.62
Miscellaneous Trust Funds		
Gas Excise Tax payable to Counties	1,459,932.14	
Miscellaneous	12,443.90	
		1,472,376.04
General Fund		
General State Tax	279,885.46	
Franchise Tax	168,097.91	
Lubricating Oil Tax	70,610.42	

Soldier's Tax	111,021.58	
Privilege License	52,944.14	
Licenses and Fees	147,849.72	
Convict Department	1,238,980.41	
State Docks Commission to pay Interest on Harbor Improvement Bonds	106,250.00	
Miscellaneous Receipts	8,885.13	
		2,184,524.77
Highway Funds		
City, County & R. R. Aid	89,859.37	
Federal Aid	4,594,157.78	
Auto Licenses	150,364.00	
Fines	3,950.00	
Motor Carrier Fees	25,000.00	
Gas Tax	1,402,920.50	
	$6,266,251.65	
Less: Federal Aid included in April Statement	223,000.00	
		6,043,251.65
Total Estimated Receipts as of September 30, 1931		$ 10,955,344.46

STATE OF ALABAMA

Statement No. 3.

ESTIMATED EXPENDITURES

MAY 1st, 1931 TO SEPTEMBER 30, 1931.

Purpose	Amount	Total
Education		
Maintenance of Educational Institutions	$ 1,885,074.60	
Public Schools	23,060.43	
Building Appropriations	493,750.00	
		2,401,885.03
Eleemosynary & Correctional Institutions		
Maintenance	615,894.80	
Building Appropriations	245,000.00	
		860,894.80
Agriculture & Industries		135,951.84
General Funds		
Pensions	363,925.00	

Health Department		286,032.00	
Departmental Expense and Salaries		516,951.63	
Judiciary Expense		168,959.50	
Interest:			
Harbor Improvement Bonds	235,000.00		
Old Bonded Debt	169,860.00		
Interest Contingent Fund	92,110.80	496,970.80	
Legislature		169,044.40	
Survey & Audit		70,000.00	
Convict Department		865,647.23	
Feeding Prisoners		46,133.30	
Franchise Tax Payable to Counties		141,212.72	
			3,124,876.58
Miscellaneous Trust Funds			
Gas Excise Tax Payable to Counties		1,458,935.87	
Miscellaneous		5,153.28	
			1,464,089.15
Highway Funds			
Interest on Bonds		519,853.75	
Highway Construction		4,999,656.23	
Maintenance		1,040,134.76	
Departmental Expense		42,064.49	
Tax Commission Expense		12,500.00	
			6,614,209.23
Alabama Bridge Corporation			
Construction		83,000.00	
Mantenance & Operation		41,631.64	
			124,631.64
State Insurance Fund			35,571.92
Total Estimated Expenditures as of September 30th, 1931			$ 14,762,110.19

STATE HIGHWAY DEPARTMENT

Montgomery, Alabama, June 8th, 1931.

Honorable B. M. Miller,
Governor of Alabama,
Capitol.

Dear Sir:

In accordance with your instructions, I am pleased to transmit herewith statements showing information relative to the operations of this Department substantially as requested in the resolution adopted by the Senate of Alabama on May 22nd, 1931. This information is submitted in the form of exhibits which are more fully explained in the following paragraphs of this letter.

EXHIBIT A.—This exhibit shows in columnar form the receipts and disbursements for the fiscal year ended September 30, 1930, for the seven (7) months period beginning October 1, 1930 and ending April 30, 1931, an estimate for the period beginning May 1, 1931 and ending September 30, 1931, and the total for the year ending September 30, 1931.

It will be observed that a total estimated expenditure of $8,990,220.77 is shown for highway construction in the year ending September 30, 1931 which is made up of the following:

Contracts Awarded Prior to January 19, 1931

To be paid out of State, Federal and County Aid Funds	$5,681,963.68

Contracts Awarded After January 19, 1931

To be paid for out of State Funds	39,026.30
To be paid for out of County and Federal Aid Funds	4,930.00
To be paid for entirely out of Federal Aid and Federal Emergency Funds	3,264,300.79
Total	$8,990,220.77

There is attached as a supplement to Exhibit A, a summary of the Highway Fund account, marked Exhibit A-1, which indicates an estimated deficit of $1,227,074.91 in Highway Funds on September 30, 1931. The actual deficit on May 1st, was $879,117.33. This is determined by taking into consideration unpaid cement bills, contractor's estimates due and unpaid and sundry accounts for material and supplies furnished.

EXHIBIT B.—This exhibit shows the amount of Federal Aid Funds now available, and which will become available during the present administration.

EXHIBIT C 1 TO 7 INC.—This exhibit contains information concerning cost of road construction by convicts as compared with the low bids of private contractors on seven specific projects. These are the only projects on which this information at present is available. These projects were advertised to be let to the lowest bidder and the lowest bid received is here considered as the measure of what the work would have cost had it been done by free labor. Against this we have taken for comparison the expense of doing the work at the price of convicts to the Highway Department now in effect, together with the cost of superintendence, guarding, materials, etc., with due allowance having been made for moving the camp on and off the project.

These projects are the only ones we have completed cost figures on at present but they are fairly representative, as it will be noticed that some are in North Alabama and some in South Alabama.

It appears from the above that convict work during the period since the Highway Department took them over in February and March, and up to May 1st, 1931, is being accomplished at a slightly lower cost than would have been the case had contracts been let to the lowest bidders at lettings held in October and November, 1930.

Taking the aggregate of the expenditures on these projects, as shown on the attached exhibits, the total estimated cost based on the low bid would amount to $289,776.46

The actual cost by using convict construction on these projects amounted to 280,234.87

The difference which represents a net saving by reason of using convicts amounts to $ 9,541.59

In all of the computations shown in the attached exhibits the cost of convict construction has been based on the contract now in effect between the Highway Department and the Board of Administration.

This Department is not in position to furnish you information concerning the profit, if any, realized by the Board of Administration on this contract. However, it is not the purpose of the contract between the Highway Department and the Board of Administration that any profit be made on the working agreement now existing between these two Departments. The above figures are based on the allowance of $40.00 per convict per month, and this basis of figuring is subject to change at any time as conditions warrant.

Respectfully submitted,

L. G. SMITH,

Highway Director.

STATE HIGHWAY DEPARTMENT

STATEMENT OF

RECEIPTS AND EXPENDITURES

	Year Ending Sept. 30, 1930	Oct. 1, 1930 to April 30, 1931	Estimated May 1 to Sept. 30, 1931	Total for Year Ending Sept. 30, 1931
RECEIPTS				
Sales of Bonds	$ 3,000,000.00			
City, County and Railroad Aid	598,177.67	471,452.88	89,859.37	561,312.25
Federal Aid	1,616,673.03	813,286.87	4,594,157.78	5,407,444.65
Auto Licenses	2,955,268.12	2,405,971.43	150,364.00	2,556,335.43
Fines	12,085.31	5,312.02	3,950.00	9,262.02
*Motor Bus and Carrier Fund	*55,354.39		25,000.00	25,000.00
Gasoline Tax	3,531,465.51	1,904,291.04	1,402,920.50	3,307,211.54
Convict Department for equipment	353,844.91			
Premium on Bonds	31,156.11			
Accrued Interest on Bonds	29,816.33			
Miscellaneous	20,165.98	396.48		396.48
Totals	$ 12,204,007.36	$ 5,600,710.72	$ 6,266,251.65	$ 11,866,962.37

*Includes Receipts for Year 1928-1929.

Exhibit A

STATE HIGHWAY DEPARTMENT

STATEMENT OF

RECEIPTS AND EXPENDITURES—Continued

	Year Ending Sept. 30, 1930	Oct. 1, 1930 to April 30, 1931	Estimated May 1 to Sept. 30, 1931	Total for Year Ending Sept. 30, 1931
EXPENDITURES				
Sinking Fund	$ 1,444,886.00	$ 1,095,000.00		$ 1,095,000.00
Interest	1,967,809.33	1,393,576.25	519,853.75	1,913,430.00
Highway Construction	6,830,358.29	3,990,564.54	4,999,656.23	8,990,220.77
Cost of Marking Highways	30,053.94	22,563.27		22,563.27
Machinery, Equipment and Supplies	78,857.79	168,103.55		168,103.55
Maintenance	2,127,583.55	907,697.83	1,040,134.76	1,947,832.59
Interest on Certificated Warrants	44,822.98	23,139.97		23,139.97
Departmental Expense	185,160.79	117,675.18	42,064.49	159,739.67
Tax Commission Expense	155,397.88	51,640.85	12,500.00	64,140.85
Injury Claim (Legislative)	1,500.00			
Interest on Bonds of Ala. Bridge Corp.		370,000.00		370,000.00
Miscellaneous	56,764.02	3,085.40		3,085.40
Totals	$ 12,923,194.57	$ 8,143,046.84	$ 6,614,209.23	$ 14,757,256.07
Excess of Expenditures over Receipts	$ 719,187.21	$ 2,542,336.12	$ 347,957.58	$ 2,890,293.70

Exhibit A (Continued)

SUMMARY OF HIGHWAY FUNDS

Oct. 1, 1929—Unexpended balances in the Auto License, Gasoline Tax, and Highway Funds	$2,382,406.00
Sept. 30, 1930—Excess of Expenditures over Receipts for fiscal year	719,187.21
Oct. 1, 1930—Unexpended Balances	$1,663,218.79
April 30, 1931—Excess of Expenditures over Receipts for seven months period, Oct. 1 to April 30, 1931	2,542,336.12
May 1, 1931—Deficit in Funds	($879,117.33)*
Sept. 30, 1931—Excess of estimated expenditures over estimated receipts for five month period May 1, to Sept. 30, 1931	347,957.58
Estimated Deficit on Sept. 30, 1931	($1,227,074.91)

RECONCILEMENT OF BALANCES AS AT APRIL 30, 1931

Balance to credit of State Highway Department as per State Auditor's Books	$ 239,008.71
Less unpaid accounts	1,118,126.04
Deficit in funds, as per Highway Department Books	$879,117.33*

Exhibit A-1

EXHIBIT "B"

Statement showing present status of Federal Aid Appropriations for roads in Alabama, and amounts that will become available during the quadrennium ending January 15, 1935.

Year	Annual Appropriation	Date Appropriation Available for Agreement	Date Fund Lapses
1931	$ 742,409.36	Balance 12/2/29 and 4/7/30	7/1/33
1932	2,615,434.00	9/1/30	7/1/34
1933	2,615,434.00	12/1/31	7/1/35
1934	2,615,434.00	12/1/32	7/1/36
1935	2,615,434.00	12/1/33	7/1/37
1936	2,615,434.00	12/1/34	7/1/38
	$ 13,819,579.36		
	1,132,283.11	Flood Relief	7/1/32
	$ 14,951,862.47		
Less	1,019,187.00	Emergency Fund Refunds during years 1934, 1935 and 1936	
	$ 13,932,675.47	Net amount available for matching	

Note:—The above statement is prepared assuming that the Federal Government will continue the appropriations after 1933, the last year for which specific appropriation has been made by Congress, of which there is little doubt.

STATE HIGHWAY DEPARTMENT OF ALABAMA

Montgomery, Ala. June 1, 1931.

Cost Data Project S-475 Elmore County.

From Wetumpka North to Coosa County Line: Length 15.07 Miles.

The following is a statement of cost of convict work done on above project during March and April, 1931, and a comparison of this with cost of contract work on a similar road.

Item	Unit	Quantity	Average Amt. Cost by Contract	Amount	Actual Unit Cost	Amount
Clearing & Grubbing	Acre	6.5	$40.00	$260.00	$60.43	$392.80
Fence Reset	Lin. Ft.	4052	.02	81.04	.03	121.56
Common Excavation	Cu. Yds.	52730	.22	11,600.60	.167	8,805.91
Overhaul on Excav.	Sta. Yd.	26615	.02	532.30	.02	532.30
Cl. "A" Concrete	Cu. Yd.	35.7	18.00	642.60	19.00	678.30
Reinforcing Steel	Pounds	3161	.035	110.64	.05	158.05
15-in. Pipe	Lin. Ft.	248	1.25	310.00	.50	124.00
18-in. Pipe	Lin. Ft.	106	1.35	143.10	.55	58.30
Rubble Masonry	Cu. Yd.	48	9.00	432.00	10.50	504.00
Clay Gravel 1st Mile	Cu. Yd.	5058	.35	1,770.30	.47	2,377.26
Gravel Add. ½ Mile	Cu. Yd.	47½	.08	3.80	.10	4.75
				$15,886.38		$13,757.23

Net difference in favor of convict work $2,129.15

Percentage of convict work under contract 13.4%

Note: The Unit Prices in grading contract on Federal Aid Project 228 Lee County are used above for comparison with actual cost.

STATE HIGHWAY DEPARTMENT OF ALABAMA

Montgomery, Ala. June 1, 1931

Cost Data F.A.P. 204 Jefferson County.

Adamsville to Walker County Line: Length 14.20 Miles.

The following is a statement of the cost of work done on above project by convict forces during February, March and April, 1931 and a comparison of that with what the same work would have cost at the prices of the lowest free labor bid on this same project.

Item	Unit	Quantity	Unit Price Bid by H. N. Donahoo F204	Actual Unit Pr. on F204	Total at Donahoo Price	Actual Price Total at	Diff. in Favor of Donahoo	Diff. in Favor of Convict Labor
Clearing & Grubbing	Acre	18.6652	$40.00	$33.14	$746.61	$618.56		$128.05
Fence Reset	Lin Ft.	450	.02	.014	9.00	6.30		2.70
18-in. C. I. Pipe	Lin. Ft.	861	2.75	2.30	2,367.75	1,980.30		387.45
24-in. C. I. Pipe	Lin. Ft.	498	3.75	3.30	1,867.50	1,643.40		224.10
30-in. C. I. Pipe	Lin. Ft.	429	6.00	5.88	2,574.00	2,526.48		47.52
Cl. "A" Culvert Conc.	Cu. Yd.	182.99	18.50	16.70	3,385.31	3,056.29		329.02
Reinf. Steel	Pound	15691	.0375	.03	588.41	470.73		117.68
Culvert Excav.	Cu. Yd.	47	1.00	.48	47.00	22.56		24.44
Channel Excav.	Cu. Yd.	2555	.40	.452	1,022.00	1,154.86	132.86	
Common Excavation	Cu. Yds.	38938	.25	.22	9,734.50	8,547.78		1,186.72
Loose Rock Excav.	Cu. Yds.	21494	.30	.386	6,448.20	8,292.10	1,843.90	
Solid Rock Excav.	Cu. Yd.	26473	.65	.61	17,207.45	16,136.58		1,070.87
					$45,997.73	$44,455.94	$1,976.76	$3,518.55

Net Difference in favor of convict labor $1,541.79

Percentage of cost of convict labor less than Donahoo 3.35%

Note: H. N. Donahoo was second low bidder on this project, State Board of Administration's bid being low.

STATE HIGHWAY DEPARTMENT OF ALABAMA
Montgomery, Ala. June 1, 1931

Cost Data F. A. P. 214 Jefferson-Shelby Counties from Birmingham to Harpersville: Length 26.45 Miles.

The following is a statement of the cost of work done by convict forces on above project during February, March and April, 1931 and a comparison of that cost with the lowest prices submitted by Contractors for this job.

Item	Unit	Quantity	Unit Price Bid by A. H. Singer	Actual Unit Cost	Total at Singer's Price	Total at Actual Price	Diff in Favor of Singer	Diff. in Favor of Con. Labor
Clearing & Grubbing	Acre	87.8063	$43.87	$37.15	$3,852.06	$3,262.39		$589.67
Fence Reset	Lin. Ft.	6300	.02	.016	126.00	100.80		25.20
18-in. C. I. Pipe	Lin. Ft.	351	2.10	2.24	737.10	786.24	49.14	
24-in. C. I. Pipe	Lin. Ft.	210	3.00	3.37	630.00	707.70	77.70	
30-in. C. I. Pipe	Lin. Ft.	291	5.00	5.41	1,455.00	1,574.31	119.31	
Cl. "A" Concrete	Cu. Yds.	188.71	18.00	16.97	3,396.78	3,702.33		194.45
Cl. "B" Concrete	Cu. Yds.	5.40	18.00	17.32	97.20	93.52		3.67
Reinforcing Steel	Pounds	17172	.035	.035	601.02	601.02		
Culvert Excavation	Cu. Yds.	141.2	.50	.421	70.60	59.45		11.15
Common Excavation	Cu. Yds.	84556	.27	.228	22,830.12	19,296.53		3,433.59
Loose Rock Excavation	Cu. Yds.	35781	.27	.335	9,660.87	11,982.90	2,322.03	
Solid Rock Excavation	Cu. Yds.	27155	.80	.697	21,724.00	18,918.43		2,805.57
Overhaul	Sta. Yds.	234183	.02	.019	4,683.66	4,449.48		234.18
					$69,864.41	$65,135.11	$2,568.18	$7,297.48

Net difference in favor of convict labor $4,729.30

Percentage of cost of convict labor less than Singer's 6.76%

Note: A. H. Singer was second low bidder on this project, State Board of Administration's bid being low.

STATE HIGHWAY DEPARTMENT OF ALABAMA
Montgomery, Ala. June 1, 1931.

Cost Data F.A.P. 210 Mobile County.

From Mobile to Mississippi Line near Wilmer: Length 23.58 Miles.

The following is a statement of the cost of work done on the above project by State convict forces during March and April, 1931 and a comparison of this cost with the lowest prices submitted by contractors on this project.

Item	Unit	Quantity	Low Bid Private Contractor	Amount	Unit Cost	Amount
Clearing & Grubbing	Acre	27.3	32.36	$883.43	$51.86	$1,416.00
Fence Reset	Lin. Ft.	27085	.02	541.70	.02	541.70
Common Excavation	Cu. Yd.	89409	.26	23,246.34	.20	17,998.00
Channel Excavation	Cu. Yd.	410	.60	246.00	.43	176.30
Special Borrow Excav.	Cu. Yd.	40340	.36	14,522.40	.326	13,160.41
Bermuda Grass	Sq. Yd.	24180	.02	483.60	.02	483.60
Overhaul on Excav.	Sta. Yds.	15539	.02	310.78	.02	310.78
				$40,234.25		$34,086.79

Difference in favor of Convict Department $6,145.46

Percentage of difference 15.27%

STATE HIGHWAY DEPARTMENT OF ALABAMA
Montgomery, Ala. June 1, 1931

Cost Data F. A. P. 203 Jefferson County

From Birmingham to Leeds—Length: 14.37 Miles

The following is the cost of work on above project by convict forces and a comparison of this cost with the lowest prices submitted by contractors for this same work.

Item	Unit	Quantity	Unit Price Bid by H. N. Donahoo on F. A. P. 203	Actual Unit Prices on F. A. P. 203	Total at Donahoo's Price	Total at Actual Price on F. A. P. 203
Clearing & Grubbing	Acre	68.2813	$40.00	$34.30	$2,731.25	$2,136.25
Structures Removed	Each	3	47.368	28.59	142.10	85.77
18-in. C. I. Pipe	Lin. Ft.	573	2.50	2.497	1,432.50	1,430.78
24-in. C. I. Pipe	Lin. Ft.	492	3.75	3.497	1,845.00	1,720.52
30-in. C. I. Pipe	Lin. Ft.	531	5.75	5.489	3,053.25	2,914.66
Culvert Conc. Cl. "A"	Cu. Yd.	764.51	18.00	17.08	13,761.18	13,056.32
Reinforcing Steel	Pound	81311	.035	.0348	2,845.89	2,829.62
Culvert Excavation	Cu. Yd.	459	.75	.49	344.25	224.91
Common Excavation	Cu. Yd.	36920	.25	.206	9,230.00	7,604.04
Loose Rock Excav.	Cu. Yd.	10922	.28	.372	3,058.16	4,060.57
Solid Rock	Cu. Yd.	54103	.60	.607	32,461.80	32,819.72
					$70,905.38	$68,883.16

Total difference in favor of convict labor $2,022.22

Percentage of cost of convict labor less than Donahoo 2.85%

Note: H. N. Donahoo was second low bidder on this project, State Board of Administration's bid was low.

STATE HIGHWAY DEPARTMENT OF ALABAMA
Montgomery, Ala. June 1, 1931
Cost Data S-477 Tallapoosa County.

From Alexander City to Wadley: Length 27.35 Miles.

The following is a statement of the cost of work done by convict forces on above project during March and April, 1931 and a comparison of this with what similar work is costing by contract.

Item	Unit	Quantity	Average Unit Cost by Contract	Amount	Actual Unit Cost	Amount
Clearing & Grubbing	Acre	368	$30.00	$110.40	$73.69	$271.18
15-in. Pipe	Lin. Ft.	324	.50	162.00	.40	129.60
18-in. Pipe	Lin. Ft.	153	.75	114.75	.62	94.86
24-in. Pipe	Lin. Ft.	108	1.10	118.80	1.10	118.80
Cl. "A" Concrete	Cu. Yds.	29.5	19.90	560.50	23.90	705.05
Cl. "B" Concrete	Cu. Yds.	86.7	19.00	1,647.30	22.13	1,918.67
Reinforcing Steel	Pounds	1696	0.035	59.36	.04	67.84
Common Excavation	Cu. Yds.	38110	0.27	10,289.70	.31	11,814.10
Overhaul on Excavation	Sta. Yds.	186	.02	3.72	.02	3.72
Loose Rock Excavation	Cu. Yds.	845	0.30	253.50	.46	388.70
Solid Rock Excavation	Cu. Yds.	1104	0.65	717.60	.81	894.24
				$14,037.63		$16,406.76

Net difference in favor of contract work $2,369.13
Percentage in favor of contract work 14.4%

Note: Unit Prices in contract with A. H. Singer on F.A.P. 208 Calhoun-Etowah Counties are used above for purposes of comparison with actual cost as these jobs are similar.

STATE HIGHWAY DEPARTMENT OF ALABAMA

Montgomery, Ala. June 1, 1931.

Cost Data F. A. P. 213 Marion County

From Hackleburg to Hamilton: Length 11.47 Miles

The following is a statement of cost of convict work on above project during March, April and May, 1931 and a comparison of this cost with the lowest bids received for similar work at that time.

Item	Unit	Quantity	Low Bid Private Contracts Similar Work	Amount	Actual Unit Cost	Amount
Clearing & Grubbing	Acre	5.76	$40.00	$230.40	$49.72	$286.40
18-in. Concrete Pipe	Lin. Ft.	675	2.40	1,620.00	2.65	1,789.92
24-in. Concrete Pipe	Lin. Ft.	330	3.50	1,155.00	5.89	1,945.29
Class A Concrete	Cu. Yds.	239.755	18.00	4,315.59	23.69	5,678.99
Class B Concrete	Cu. Yds.	41.74	18.50	772.19	26.78	1,117.73
Reinforcing Steel	Pound	28272	.035	989.52	.052	1,461.72
Common Excavation	Cu. Yds.	66633	.25	16,658.25	.263	17,526.49
Uncl. Culvert Excav.	Cu. Yds.	69	.75	51.75	.80	55.10
Solid Rock Excav.	Cu. Yds.	9585	.65	6,230.25	.71	6,842.45
Overhaul on Excav.	Sta. Yds.	32208	.02	644.16	.015	487.63
Grass Planting	Sq. Yd.	6119	.03	183.57	.05	317.16
				$32,850.68		$37,508.88

Diffrence in favor of contract work $4,658.20

Percentage of difference in favor of contract work 12.2%

GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SESSION OF 1931

GENERAL LAWS

No. 2) (HJR 12. Goode

HOUSE JOINT RESOLUTION

WHEREAS on account of the extreme drouth in many areas in Alabama during 1930, resulting in almost total crop failure, especially of gardens, food and feed crops, causing great distress, and

WHEREAS the seriousness of the situation in these areas is greatly intensified by the general business depression and the low prices of farm products, and

WHEREAS in many instances, due to the abnormal and unusual conditions, local banks have either been forced to close or are unable to furnish credit facilities, Therefore,

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that the Legislature of Alabama hereby appeals to the Secretary of Agriculture and the Director of the Extension Service of the United States Department of Agriculture to be as liberal and generous as possible in allotting, to the farmers of Alabama, the drouth and storm loan funds made available by the Congress of the United States for the purchase of seed, feed and fertilizer.

BE IT FURTHER RESOLVED that copies of this resolution be promptly forwarded to the Honorable Arthur M. Hyde, Secretary of Agriculture and to Dr. C. W. Warburton, Director of the Extension Service of the United States Department of Agriculture.

Approved January 28, 1931.

No. 3) (HJR 14. Carmichael

HOUSE JOINT RESOLUTION

WHEREAS, the Government of the United States, its executive and legislative departments, have had under consideration and discussion for many years the power and nitrate plants known as Muscle Shoals; and the property has not been devoted to the purpose for which it was originally intended, namely, the making of fertilizer; and the property has likewise been withheld from profitable handling as a power proposition; and

WHEREAS, the long discussion and lack of action has been productive of great loss to the Government. Now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CON-

CURRING, that the Congress of the United States be urged to make disposition of this vexed question at the present session of Congress.

BE IT FURTHER RESOLVED that the Congress of the United States be urged to provide for the use of the plants in a manner which shall carry out the original purposes for which they were built and preserve the Government's rights to and use in event of public danger.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent by the Clerk of the House to the President of the United States, the presiding officer of the United States Senate; to the Speaker of the United States House of Representatives, and the Senators and Representatives from Alabama.

Approved January 28, 1931.

No. 4.) (S. 5. Warren.

AN ACT

To confer upon every city in this State having a population of not less than Eighteen Thousand and not more than Fifty Thousand inhabitants, according to the last or any subsequent Federal Census, the same power and authority with respect to matters of sanitation in the territory outside of the corporate limits of such city, but within police jurisdiction thereof, which it has within the territory embraced within the corporate limits of such city; and authorizing such cities to construct and reconstruct systems of sanitary sewers and sewage treatment and disposal plants and outlets for such sewers and sewage systems outside of the corporate limits of such city and within the police jurisdiction of such city; and authorizing the assessment of the whole or part of the cost of such construction upon property served, benefited or increased in value, where such property lies outside the corporate limits of such city, but within the police jurisdiction of such city; and authorizing such cities to issue bonds to pay for the cost of such construction and reconstruction.

Be it Enacted by the Legislature of Alabama:

Section 1. That this Act shall apply to every city in this State having a population of not less than Eighteen Thousand and not more than Fifty Thousand inhabitants, according to the last or any subsequent Federal census.

Section 2. Any city of the class mentioned in Section 1 hereof shall have the same power with respect to all matters of sanitation in the territory embraced in the police jurisdiction of such city, as it has in the territory located within the corporate limits of such city.

Section 3. That any city of the class mentioned in Section 1 hereof shall have the same power with reference to the construction or reconstruction of sanitary sewer systems and sewage treatment or disposal plants and the construction or reconstruction of outlets for such sewer systems within the police jurisdiction of such city as it has within the corporate limits of such city.

Section 4. Any city of the class mentioned in Section 1 hereof shall have the same power with respect to the assessment of the cost of any construction or reconstruction covered by Section 3 of this Act against the property abutting upon or served or benefited or increased in value by reason of such construction or reconstruction, where such property is located outside of the corporate limits of such city and within the police jurisdiction of such city, as it has under the existing law with respect to assessments against property located within the corporate limits of such city and served, benefited or increased in value by reason of such construction or reconstruction, and shall have the same power to issue bonds or negotiable notes to pay for such construction or reconstruction, as it has under the law where such assessment is made against property located within the corporate limits of such city. All laws governing or relating to such assessments against property located within the corporate limits shall apply to such assessments made against property outside of the corporate limits and within the police jurisdiction of such city. All laws relating to the issuance of bonds to obtain money to pay for the cost of such construction or reconstruction, whether whole or any part of such cost is assessed against property located within the corporate limits of the city shall apply and govern the issuance and sale of bonds to obtain money to pay for cost of such construction or reconstruction, where such cost is assessed in whole or in part against property located outside of the corporate limits of such city and within the police jurisdiction of such city.

Section 5. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 6. If any clause, section, division or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, division or portion of this Act which is not itself invalid or unconstitutional.

Section 7. This Act shall go into effect immediately upon its approval by the Governor.

Approved January 30, 1931.

No. 5.) (H. 20. Tunstall.

AN ACT

To authorize the Governor of Alabama to have a detailed study and survey made of the state government and to make an appropriation to cover the cost of the same.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Governor of Alabama is hereby authorized and required to have a detailed study and survey made of all depart-

ments, boards, commissions, institutions and agencies of the state government. The Governor is authorized to appoint such persons and to organize such committees as in his judgment may be necessary and proper in undertaking such study.

Section 2. Upon the completion thereof the Governor shall make to the Legislature a report of the result of such study and survey together with his recommendations relating thereto.

Section 3. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated the sum of $30,000 (Thirty Thousand Dollars) to be used by the Governor in performing the duties required by this Act. The funds herein authorized shall be paid by warrant drawn by the state auditor upon the certificate of the Governor.

Approved January 30, 1931.

No. 6.) (H. 21. Tunstall.

AN ACT

To provide for the better protection of the public moneys, to require an audit to be made of all departments, Offices and Institutions of the State Government involving the collection or expenditure of public funds or the certification of money into the State treasury, and to make an appropriation for the payment of same.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Governor of Alabama shall have made an audit of those offices, departments and institutions of the State government which are charged with any duty involving the collection or expenditure of public moneys, and of all other offices or departments on which is imposed the duty of certifying money into the State treasury.

Section 2. Upon the completion of such audits they shall be transmitted to the Governor who shall submit the same to the Legislature.

Section 3. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated the sum of forty thousand dollars to be used by the Governor in the performance of the duties required by this Act. The funds herein authorized shall be paid by warrant drawn by the state auditor, upon the certificate of the Governor.

Approved January 30, 1931.

No. 7.) (H. 22. Tunstall.

AN ACT

To determine the amount of the outstanding current debt of the state and to require all unpaid state warrants and accounts to be registered by the state treasurer.

Be it Enacted by the Legislature of Alabama:

Section 1. That within thirty days after the approval of this act by the governor all warrants heretofore issued by the state auditor which are now outstanding and unpaid shall be presented to the state treasurer by the holders thereof in person or by agent, and the treasurer shall register the same in a book to be kept for such purpose.

Section 2. That within thirty days after the approval of this act by the governor, all outstanding claims against the state and all accounts now claimed to be due under contract or otherwise, for which warrants have not been issued, shall be itemized and sworn to by the proper person and presented or forwarded to the treasurer for registration. All accounts to be due in the future shall be stated as nearly as possible and shall likewise be presented or forwarded to the treasurer for registration. All such accounts based on contract or agreement shall make reference to the same.

Section 3. All such warrants and accounts now due not so registered by the treasurer shall not be paid until after the payment of all warrants and due accounts so registered, provided that the warrants and accounts not so registered shall not be paid for two years from the passage of this act. The warrants and accounts so registered to be paid in the order of their registration.

Approved January 30, 1931.

No. 8.) (H. 23. Tunstall.

AN ACT

To amend Sections 1, 2, and 3 of an Act entitled "An Act to regulate further the general revenue laws of the State so as to create a NEW STATE TAX COMMISSION, and to abolish the Tax Adjuster and BOARDS OF COUNTY TAX ADJUSTERS", approved February 3, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled "An Act to Regulate Further the General Revenue Laws of the State so as to create a NEW STATE TAX COMMISSION, and to abolish the Tax Adjuster and BOARDS OF COUNTY TAX ADJUSTERS", approved February 3rd, 1923, be and the same is hereby amended so

as to read as follows: Section 1: The State Tax Commission shall be composed of one member, who shall be designated as the State Tax Commissioner, who shall be appointed by the Governor, and shall hold office at the will of the Governor.

Section 2. That Section 2 of said Act, approved February 3, 1923, be, and the same is hereby amended to read as follows: Section 2: The Governor as soon after approval of this Act as is practical shall appoint the said member. In case of a vacancy in said office at any time, from any cause, such vacancy shall be filled by the Governor. The State Tax Commission of one man shall have all of the authority and powers, and shall perform all of the duties now conferred and imposed on the present State Tax Commission.

Section 3. That Section 3 of said Act approved February 3, 1923, be, and the same is hereby amended to read as follows: Section 3: The salary of the State Tax Commissioner shall be fixed by the Governor at an amount not to exceed $7,500.00 per annum, and shall be paid as is now provided for the payment of salaries of the members of the State Tax Commission.

Section 4. That this Act shall go into effect immediately upon its approval by the Governor.

Approved January 30, 1931.

No. 9.) (H. 24. Tunstall

AN ACT

To amend Sections 24, 25, and 26, and to repeal Section 29 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 24 of the Code of Alabama of 1923, be, and the same is hereby amended to read as follows: 24. Member of Board Designated; how appointed; term of office. The State Board of Administration shall consist of one member, to be appointed by the Governor, and to be designated as the Director of the State Board of Administration. The said Director shall hold office at the will of the Governor. In case of vacancy in said office for any cause whatsoever the Governor shall fill the same by appointment. The Director of the State Board of Administration shall have and exercise all of the authority, rights, powers and duties now imposed by law on the State Board of Administration and the members thereof.

Section 2. That Section 25 of the Code of Alabama of 1923 be, and the same is hereby amended so as to read as follows: 25. Salary

of Director of the State Board of Administration. The salary of the Director of the State Board of Administration shall be such an amount as may be fixed by the Governor, not to exceed $7,500.00 per annum, to be paid in monthly installments as other officers of the State are paid and as is now provided by law.

Section 3. That Section 26 of the Code of Alabama of 1923, be, and the same is hereby amended to read as follows: 26. Bond of Director, amount and conditions of; Premium, how paid. The said Director of the State Board of Administration shall give bond in the sum of $25,000, payable to the State of Alabama, conditioned faithfully to perform his official duties and account for all moneys and property coming into his hands by virtue of his office. The bond shall be executed by an authorized surety company, and must be approved by the Governor. The premium on the bond shall be paid by the State.

Section 4. That Section 29 of the Code of Alabama of 1923, be, and the same is hereby repealed.

Section 5. That this Act shall go into effect immediately upon its approval by the Governor.

Approved January 30, 1931.

No. 10.) (H. 25. Tunstall.

AN ACT

To amend Sections 1, 2, 3, 5, 6-1/2, 7, 8, 9, 11 and 12, of Article 1 and paragraph (v) of Section 47 of Article 2 and to repeal Sections 4 and 10 of Article 1 of an Act entitled "An Act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; offences concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels;

and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue", approved August 23, 1927, and known and designated as "The Alabama Highway Code."

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1, of Article 1, of an Act entitled "An Act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; offences concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927, and known and designated as the "Alabama Highway Code", be, and the same is hereby amended so as to read as follows: Section 1 (a) This Act shall be known and when cited or amended may be designated as "The Alabama Highway Code."

(b) (1298) STATE HIGHWAY DEPARTMENT ESTABLISHED: There is created a State Highway Department in the State of Alabama, which shall consist of a State Highway Commission of one member. The Highway Commissioner shall also be designated as Highway Director.

Section 2. That Section 2 of Article 1 of the said Act be, and the same is hereby amended so as to read as follows: Section 2, (1299) TERM OF OFFICE OF COMMISSIONER: The Highway Commissioner shall be appointed by the Governor for a period of four years from the date of his appointment.

Section 3. That Section 3 of Article 1 of said Act be, and the same is hereby amended so as to read as follows: Section 3, (1300) REMOVAL, VACANCIES: The Governor may remove the Highway Commissioner as is now provided for by law for the removal of appointive officers by the Governor. Any vacancy in the office shall be filled by appointment of the Governor for the unexpired term.

Section 4. That Section 4 of Article 1 of said Act be, and the same is hereby repealed.

Section 5. That Section 5 of Article 1 of said Act be and the same is hereby amended so as to read as follows: Section 5, (1302) BOND OF COMMISSIONER: The Highway Commissioner shall execute a bond in such amount as the Governor may require, payable to the State, in some guaranty company doing business in Alabama.

Section 6. That Section 6½ of Article 1 of said Act be, and the same is hereby amended so as to read as follows: Section 6½. POLICE POWERS OF COMMISSIONER: The Highway Commissioner of Alabama shall be, and he is hereby vested with full police power to prefer charges against, and to make arrests of any person or persons violating any of the highway laws of the State of Alabama. The State Highway Commissioner shall have full authority to designate any other person or persons in the employment of the State Highway Department as a deputy police officer, and such deputy police officer shall have full authority to prefer charges, or, and make arrests of any person or persons violating any of the highway laws of the State of Alabama, and the jurisdiction of each officer or deputy as herein provided shall not be restricted to any one county, but shall have full authority throughout the State of Alabama. Provided, however, that said officers and deputies shall have no authority to prefer charges or make arrests for the violation of other than that of the road laws of the State of Alabama.

Section 7. That Section 7 of Article 1 of said Act be, and the same is hereby amended so as to read as follows: Section 7, (1304) REPORT OF HIGHWAY COMMISSIONER TO GOVERNOR: On or before the 1st day of April in each year the Highway Commissioner shall submit a printed report to the Governor, stating as near as possible the number of miles of road built or improved, and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same, and the location of material suitable for road construction, showing where such roads, culverts and bridges have been constructed. The Commissioner shall also recommend to the Governor and Legislature such legislation as he deems advisable, and furnish any other information concerning road and bridge improvements as may be deemed expedient by the Governor and the Legislature.

Section 8. That Section 8 of Article 1 of said Act be and the same is hereby amended so as to read as follows: Section 8, (1305) SEAL OF DEPARTMENT; POWER TO ADMINISTER OATHS: The Department shall have a seal and the Highway Commissioner shall have the power to administer oaths, take affidavits and make certificates.

Section 9. That Section 9 of Article 1 of said Act be, and the same is hereby amended so as to read as follows: Section 9, (1306) OFFICES OF DEPARTMENT: The Department shall be provided with suitable offices at the State Capitol, or such other places as the needs of the Department may require, but no office in any other place than the Capitol shall be established as an office of said Department without the consent and approval of the Governor in writing. All offices shall be kept open at such times as the business of the Department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the State, and shall be the depository for all records of the State Highway Department. The State Highway Commissioner shall give his entire time to the duties of his office.

Section 10. That Section 10 of Article 1 of said Act be, and the same is hereby repealed.

Section 11. That Section 11 of Article 1 of said Act be, and the same is hereby amended so as to read as follows: Section 11: The salary of the Highway Commissioner shall be fixed at a sum to be prescribed by the Governor, not to exceed $12,000 per annum. The salary shall be paid in monthly installments on warrants drawn by the Auditor. The Commissioner shall also be paid his necessary traveling expenses when absent from the office of the said Commission on business of the Highway Department, upon itemized, verified statements, approved by the Governor.

Section 12. That Section 12 of Article 1 of said Act, be and the same is hereby amended so as to read as follows: Section 12, (1311) RECORDS OF HIGHWAY COMMISSION; ASSISTANTS, CLERKS, ETC. The State Highway Commission shall keep an official record of all its acts and doings. The Highway Commissioner shall, with the approval of the Governor, employ such engineers, assistant engineers, superintendents, chemists, clerks, stenographers, draftsmen, foremen, laborers, and any other help as may be necessary for the proper carrying on of the work of the State Highway Department, and may, with the approval of the Governor, fix their compensation and the time of payment, which shall be paid out of the State Highway funds.

Section 13. That paragraph (v) of Section 47, Article 2, of said Act, be, and the same is hereby amended so as to read as follows: (v) "Commissioners". The Highway Commissioner of the State of Alabama.

Section 14. This act shall go into effect immediately upon its approval by the Governor.

Approved January 30, 1931.

No. 11.) (H. 63. Harrison.

AN ACT

To make appropriation of Two Hundred and Fifty ($250,000.00) Thousand Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated the sum of Two Hundred and Fifty Thousand Dollars ($250,000.00), or so much thereof as may be necessary, to defray the expenses of the present session of the Legislature.

Approved January 30, 1931.

No. 12.) (S. 11. Teasley

AN ACT

To create, establish and regulate Inferior Courts in all precincts lying within or partly within all cities of the State of Alabama now having as many as 35,000 and less than 67,000 population, according to the last Federal Census, and in all cities that may hereafter have as many as 35,000 and less than 67,000 population, according to any subsequent Federal Census. Such courts to be in lieu of Justices of the Peace in said precincts and in lieu of all other courts heretofore created in lieu of Justices of the Peace in said precincts. To provide and define the jurisdiction and powers of such courts and the terms thereof; to provide for the judges and officers of such courts, their term of office and the manner of their selection and their powers, duties and compensation; to fix the fees and costs for such courts; to provide the rules of procedure for such courts and for the operation thereof; to provide for registering of its judgments and a lien of its judgments, and to abolish Justices of the Peace in such precincts, and to abolish courts heretofore created in lieu of such Justices of the Peace; and to provide for the transfer of the causes from the abolished courts to the courts created by this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established an Inferior Court in every city of the State of Alabama now having, according to the last Federal Census, as many as 35,000 and less than 67,000 population, and in all cities that may hereafter have as many as 35,000 and less than 67,000, according to any subsequent Federal Census. Such courts shall be known as and called "Court of Common Pleas" of the city in which such court is established, the name of such city being added after

the words "Court of Common Pleas of". All Justices of the Peace of the precincts lying within, or partly within, such cities, are hereby abolished, and all courts heretofore created in lieu of such Justices of the Peace are hereby abolished and the jurisdiction exercised heretofore by such Justices of the Peace and abolished courts is hereby conferred upon such Inferior Courts.

Section 2. That such Inferior Courts shall have jurisdiction in all civil matters of which Justices of the Peace have jurisdiction under the general laws of the state in all precincts lying within, or partly within, the limits of such city where such court is established; and in all civil cases in which the defendant resides in any precinct lying within or partly within such city, the jurisdiction of such court shall be exclusive and any judgment by consent or default in such cases rendered by any justices of the peace or notary public ex-officio justice of the peace in the county in which such city is situated shall be null and void, and of no effect. Such court shall have and exercise in such county original and final jurisdiction of all misdemeanors committed in such county concurrent in such misdemeanor cases with the jurisdiction now conferred or may be hereafter conferred by law upon the circuit courts of the state, except as may be herein otherwise provided, and such court shall have preliminary jurisdiction in all felony cases committed in such county, that is now or hereafter may be by law conferred upon justices of the peace; that said final jurisdiction of misdemeanors shall be exclusive as against any justice of the peace or notary public ex-officio justice of the peace as to all offenses committed in any precinct lying within or partly within such city. Affidavits may be taken and warrants issued by justices of the peace in said county returnable to such court. Such court, except as in this act otherwise provided, in exercising the jurisdiction and powers conferred by this act, in all cases wherein the defendant is charged with felony, shall conform to and be governed by the rules of practice and procedure, and shall have the same power and authority, as is now or may hereafter be conferred by law upon justices of the peace in this state, and, except as herein otherwise provided, in all cases wherein the defendant is charged with a misdemeanor such court shall have the same power and authority, and shall conform to and be governed by the rules of practice and procedure, evidence and punishment as govern circuit courts and courts of like jurisdiction in this state in so far as applicable, otherwise all the provisions of the statutes and laws, provided for the trial and procedure of criminal cases in the county courts of this state, shall govern and apply as far as applicable to such court, provided, however, that the judge of such court shall have the authority to adopt such rules of practice and procedure, as is not inconsistent with this act, as in his discretion is necessary for the proper dispatch of the business of the court.

Section 3. Such court in addition to the jurisdiction herein conferred by this act, shall have and exercise jurisdiction in all civil cases arising in the county in which the city in which such court is established

is situated, cognizable in courts of law in said county, wherein the amount involved does not exceed one hundred dollars; and in all cases of forcible entry and detainer and unlawful detainer cognizable in such county; provided however that such court shall not have jurisdiction of actions of libel, slander, assault and battery, or ejectment or actions in the nature of ejectment. And in all such other cases jurisdiction is, or may be given by law to justices of the peace, not contrary to the Constitution, and not otherwise provided for in this act.

Section 4. All general laws enacted or that may hereafter be enacted affecting or regulating the practice and procedure of courts of justices of the peace in this state shall apply to such court except as may be otherwise provided herein.

Section 5. Such court shall have jurisdiction of all bastardy cases or proceedings in said county, and all laws in force or that may be hereafter enacted relating to bastardy proceedings before justices of the peace, shall apply to and be in force in such court, and the same rules of procedure and practice shall apply as in the justice of the peace courts of the state.

Section 6. The Judge of such Inferior Court shall have been a resident of the county in which the city in which the same is established is located, for at least five years at the time of his election or appointment, and shall reside in said county during his continuance in office. He shall be at least twenty-five years of age, shall be learned in the law, and shall not during his term of office practice law in any of the courts of this state, or of the United States. That immediately upon the passage and approval of this act, or when it becomes a law, the Senate of Alabama shall elect a judge of such court, whose term of office shall be until the first Monday after the second Tuesday in January 1937 next after his election and until his successor is elected and qualified, the successor of such judgeship shall be elected by the qualified voters of the county in which the court is established at the general election for state and county officers in the year 1936 next preceding the expiration of the term of office of said incumbent, and whose term of office shall be for six years, and until his successor is elected and qualified, and every six years thereafter. After the election of such judge the Governor shall issue to the Judge of such court a commission, and such judge, before entering upon the duties of his office, shall take the oath of office in form required by law to be taken by the judges of the circuit courts of the state, and shall be removable for the same causes and in the same manner now provided by law for the circuit court judges of this state. In the case of a vacancy caused by resignation, removal or death of such judge, or other causes, the governor shall fill the vacancy by appointment, and the person so appointed shall hold office as provided in the Constitution. In case the judge of such court shall be unable at any time to discharge the duties of his office by reason of sickness, absence, disqualification, or inability to hold such court, the judge of such court shall make an order, when the facts warrant the same, that

he is sick, or will be absent, or disqualification, or his inability to hold said court, said order to be entered upon the dockets and minutes of said court. Thereupon the judge of such court shall designate some practicing attorney learned in the law, and a resident of such county as special judge, to fill said office, which designation shall be entered by an order of such judge on the docket and minutes of said court. The said person so designated by the judge of such court shall perform all of the duties and exercise all of the powers and authority of the judge of such court, and hold said office until the regular judge of such court appointing him shall resume his duties, and while so acting such special judge, shall receive for his compensation for his services for each day he is holding court the same compensation as is allowed for the regular judge of such court. Which compensation shall be paid out of the county treasury to such special judge, upon warrant drawn upon the county treasury by the judge of such court, showing that said special judge has performed the duties of his office for the period of time he has served as such special judge. In the event such judge is unable by reason of inability to appoint special judge, he shall be appointed by the probate judge of said county.

Section 7. All causes, civil and criminal, pending in any court that has heretofore been created in lieu or justices of the peace that is by this act abolished shall be transferred to the Inferior Court created by this act in lieu of the abolished court and the dockets, official papers and records of said abolished court shall be delivered to such inferior court and shall be proceeded upon as if originally instituted in such inferior court.

Section 8. The judge of such court shall receive a salary of Fifty-five Hundred and no/100_____Dollars per annum, payable in equal monthly installments out of the general fund of the treasury of said county, upon his warrants drawn upon the county treasury, in the same way and manner as the salary other county officers and employees are now paid.

Section 9. The judge of such court shall appoint a clerk who shall hold office at the pleasure of such judge, and who shall give bond in the penal sum of Two Thousand Dollars, payable to said county in which the city for which said court is established is situated, and conditioned to faithfully discharge the duties of his office during the time he continues therein, or discharges any of the duties thereof, which bond shall be filed in the office of the judge of probate of said county, and approved by him; and said bond shall also be conditioned to pay over all moneys to the proper officers and persons to whom it is payable, and to faithfully account for all moneys coming into his hands by virtue of his office; and said bond can be given in any solvent guaranty and indemnity company, and upon said bond there shall be the same liabilities and remedies as upon a bond of the clerk of the circuit courts of this state. The premiums on said bond, shall be paid by the county in which the court is located. The said clerk of said court shall receive a salary of

twenty-four hundred dollars per annum payable in monthly installments out of the general fund of the treasury of said county, by warrants drawn upon the certificate of such judge that such clerk has performed the duties of his office for such month. The said clerk of such court shall have the power and authority to administer oaths and take acknowledgments and affidavits in all cases in which oaths and affidavits are required by law, and to sign and issue all processes issuing out of such court, including warrants, affidavits, summons, subpoenas, writs, executions, committments, and releases of such court, and to fix bail in all cases where the party charged with crime is entitled to bail under any warrant issued by him; and to issue any and all other processes necessary for the conduct of the business of such court, and to approve all bonds in civil cases, and enter all judgments and orders of the court; and he shall certify all appeals, certiorari and transcripts; but all judgments and orders of such court shall be signed by the judge thereof. In addition to the powers herein conferred upon said clerk by this act, he shall have all of the powers and authority ministerial and judicial now or hereafter vested in the clerks of the circuit courts of the state. No clerk or judge of such court shall receive any fees and compensation other than his salary, but all fees shall be paid into the county treasury, as herein provided by this act. It shall be the duty of said clerk to keep a docket of civil cases, in which must be entered all the civil actions brought each term, the names of the parties, the character of action, the name of the attorney by whom the same are brought, and the sheriff's return; and in which must be entered all the civil cases standing for trial at each term, in the order in which they are brought, and the orders which have been made in each case at any term. To keep a docket of criminal cases, in which must be entered all the criminal cases in their order, the character of the offense, the return of the sheriff, the orders which have been made in each case at any term, and the names of the attorneys for the defense. To keep in said dockets for civil and criminal cases, in which must be entered the cases in which any subpoenas are issued, the names of the witnesses, the time of the issue and the return of the sheriff, and also in which must be entered every execution issued, specifying the name of the parties, the amount of the judgment, and the day and the year of its rendition, the amount of costs, the character of the execution, the date of its issue, the person to whom delivered, and the date of such delivery, the day when returned, the return in full on the same page on which the execution is entered; and the number of the execution. To enter the minutes of each day's proceedings during the term of the court, and all orders and judgments made or rendered, in the order in which they are made or rendered. To keep all the papers, books, dockets, and records belonging to his office, with care and security; the papers filed, arranged, numbered and labeled, so as to be of easy reference; and the books, dockets, and records, properly lettered; and to allow parties to inspect the records free of charge. To make out and deliver, on application and payment of the legal fees therefor,

to any person applying for the same, a correct transcript, properly certified, of any paper or record in his office. To make out transcripts as required by law, in all cases, in which an appeal is taken therein. To keep direct and reverse indexes of all record books in his office, which must always be in good and substantial, well bound books. Such clerk must keep his office at the court house.

Section 10. Said clerk shall render to the county treasurer, court of county commissioners or boards of revenue, within thirty days after each term of court, a statement in writing and under oath, of all fees and fines assessed, and forfeitures obtained during such term, the amount of each, and against whom each was assessed or obtained, also, what money he has received for the county, specifying from whom, on what account, and the amount of each case; and to pay the same into the county treasury, unless herein otherwise provided by this act.

Section 11. The judge of such court may appoint a deputy clerk of such court who shall hold office at the pleasure of the judge of such court. Such deputy clerk shall have and exercise all of the rights, duties and powers of the clerk of such court, and he shall give bond conditioned and payable as the bond of the clerk of such court, which bond shall be in the penal sum of Two Thousand Dollars, and filed in the office of the judge of probate of said county and approved by him. The premium on the bond to be paid by the county in which the court is located. Such deputy clerk shall receive a salary of eighteen hundred dollars per annum, payable in monthly installments out of the general fund of the treasury of said county, upon the certificate of the judge of such court that he has performed the duties of his office for such time.

Section 12. The judge of such court shall have the power to issue a restraining, or other proper or appropriate order to any justice of the peace or notary public ex-officio justice of the peace who assumes to exercise any of the exclusive jurisdiction of such court; and any such justice of the peace or notary public ex-officio justice of the peace may be required to show cause before the judge of such court why he should not be punished for contempt or disobedience of such order, and may punish for such contempt, by fine not exceeding fifty dollars, and imprisonment not exceeding five days, either or both.

Section 13. That any plaintiff, his agent or attorney, who institutes any suit against a defendant, who resides in any of the precincts lying within, or partly within the limits of such city where such court is established, of which such court has exclusive jurisdiction before any justice of the peace, notary public ex-officio justice of the peace, other than this court, or a precinct other than that in which the cause of action arose in, or the contract sued on was made, or at which the defendant is a resident in the precinct of the residence of the justice of the peace or notary public ex-officio justice of the peace, attempting to exercise jurisdiction, or where one or more of the co-defendants reside in the precinct of such justice, notary public, ex-officio justice of the peace, may be restrained by the judge of such court from prosecuting said suits and

the judge of such court may issue a rule to his plaintiff, his agents or attorney, to show cause why a suit, garnishment, or other process alleged to have been brought in violation of this section shall not be dismissed, and may upon a hearing of this rule, order plaintiff, his agent or attorney, to dismiss said suit, garnishment or other process if wrongfully instituted, and may punish for contempt for the disobedience of said order or orders. The plaintiff, his agent or attorney, shall have the right to appeal to the circuit court of said county, from said order within five days from the rendition of the same upon executing a bond in a sum to be fixed by the judge of such court, not in excess of Two Hundred Dollars, payable to the defendant and conditioned to pay the defendant all such damages and costs as he may suffer by reason of the wrongful taking of such appeal.

Section 14. In all civil causes the laws relating to appeals and certiorari of such causes from courts of justices of the peace in this state shall apply to appeals and certiorari from such courts.

Section 15. That no trial or prosecution shall be instituted in such court by indictment, but all trials or prosecutions instituted in such court shall be begun upon affidavit and warrant, the same as is now or may hereafter be provided by the general laws of this state for the institution of trials and prosecutions in the county courts of this state. The clerk of such court is hereby authorized and given the right, power, and authority to take and receive complaints and affidavits, and issue warrants of arrest the same as judges of the county courts in this state are authorized to do under its general laws; and all such warrants of arrest shall be made returnable to such court. All trials of misdemeanors in such court shall be without a jury, and no trial by jury can be demanded. The judge shall determine both the law and the facts, without the intervention of a jury, and shall award the punishment which the character of the offense demands, and no statement of the offense need be made other than that contained in the affidavit and warrant of arrest. That appeals from judgments of convictions rendered by such court may be taken by the defendant to the circuit court after the rendition of said judgments and in the manner now or may be hereafter provided by law for appeals to be taken from the county courts of this state to the circuit courts of this state; and a jury trial may be had on demand of the defendant as provided by law, and all appeals taken as herein provided for shall be tried de novo and be governed in all respects by the rules and regulations as now or may be hereafter provided by the general laws of this state for the trials of appeals in the circuit courts from the convictions by county courts of this state.

Section 16. Whenever there is any demurrer, motion to quash plea in abatement, or other objection to the validity or sufficiency of any affidavit, complaint, or warrant pending in such court, the solicitor or other person prosecuting for the state shall have the right to amend any or all the papers to which the objection, demurrer or motion is directed, or the solicitor may, instead of amending the papers, make a brief state-

ment of the cause of complaint signed by him, as provided by law in the county courts of this state, and the same rules of practice and procedure shall be followed.

Section 17. That all proceedings as to bail, conditional judgments, forfeitures, judgments final and alias warrants of arrest shall be the same in such court, as are now or may hereafter be provided for by law; conditional judgments may be set aside therein, reduced or made absolute; and the same orders and judgments made and taken in such matters as could be made or taken in the circuit courts of the state, and the same procedure shall be followed.

Section 18. That when a fine is assessed, such court may allow the defendant to confess judgment, with good and sufficient sureties, for the fine and costs, as provided by the general laws of the state. Execution may issue for the fine and costs, or any portion thereof remaining unpaid the same as in civil cases. The clerk may issue execution against the defendant and his sureties on all confessions of judgments, immediately after the adjournment of court, returnable not less than thirty nor more than ninety days after the issuance thereof, and immediately deliver said execution to sheriff of the county, and after the delivery of such execution, the same shall be a lien on all property of the defendants in executions, and it shall be the duty of the sheriff to collect said execution within the time stated therein.

Section 19. That upon a conviction of any defendant in misdemeanor cases, in said court, except prohibition cases, the court shall have the right to suspend sentence whenever in the discretion of said court the same may be advisable; under such terms and conditions and for such time as may be prescribed by said judge for the ends of justice.

Section 20. That in any prosecution in such court if it appears to the court to be malicious or frivolous, the court shall tax the prosecutor or the person who made the complaint or affidavit with the costs, and when the costs are imposed on the prosecutor or person who made the complaint or affidavit, he may confess judgment for the same, with good and sufficient sureties, and failing to do so, or to pay the same presently, he must be imprisoned in the county jail or sentenced to hard labor for the county for ten days.

Section 21. That all general laws relating to misdemeanors now in force, or that may hereafter be enacted, shall apply to and extend to such court, unless the contrary be expressly provided or limited by this act.

Section 22. That the judge of such court shall be a magistrate and conservator of the peace, may take affidavits and issue warrants in felony cases returnable before himself or other magistrates having jurisdiction, and may take affidavits and issue warrants for misdemeanors directly returnable to himself when said court shall have final jurisdiction of the offense, or in cases where said court does not have final jurisdiction to any court having final jurisdiction thereof. And in addition said judge may take affidavits and issue warrants in misdemeanors directly returnable to any other court having final jurisdiction thereof,

although said court also has final jurisdiction in said misdemeanor. For his services in taking affidavits and issuing warrants the said judge is entitled to the compensation now provided by law to justices of the peace, or which may hereafter be provided, which shall be taxed and collected as such costs are now taxed and collected in criminal cases, and when said costs shall have been collected they shall be paid into the county treasury by the clerk who shall collect and receive said costs.

Section 23. The judge of such court in addition to the powers herein conferred by this act, shall have authority to take the acknowledgments and proofs of all deeds, or conveyances required by law to be recorded, and certify the same for registration; to perform marriage ceremonies the same as circuit judges of the state; to administer oaths and take affidavits in all cases in which oaths and affidavits are required by law; to issue search warrants, to take recognizances, admit to bail, approve bail bonds in and out of court, and do every act, and issue every process, mesne or final, necessary to affect the due administration of the laws in cases or offenses, jurisdiction of or powers over which are conferred by this act; to correct after final judgment any error in the judgment or process apparent upon the whole record; to secure parties or privies in their rights against any oppression or abuse of execution, or other process, or upon any release, discharge or payment after judgment.

Section 24. The judge of such court shall take care that every prisoner in jail arrested by process issuing from said court shall have opportunity to give bail, in cases in which the prisoner is entitled to bail, and to approve bond presented to him at any time, which in his judgment is reasonably good and sufficient, and may in his discretion release on his own recognizance any prisoner charged with misdemeanor in said court.

Section 25. That the solicitor of the circuit court of said county or deputy solicitor shall be required to attend such court, and shall be the prosecuting officer therein; and shall, also, represent the state in all preliminary trials for felony in such court. For every conviction of a misdemeanor in such court there shall be taxed and collected as part of the costs in each case the same solicitor's fees provided for convictions in such cases in the circuit courts of the state, which shall be paid by the clerk of such court, whether such judgment of conviction shall be paid in such court or on appeal to the circuit court, and when collected by the clerk of such court it shall be paid by him into the treasury of said county.

Section 26. The judge of such court shall have the power to punish for contempt in all cases where judges of the circuit courts of this state can punish for contempt by fine not exceeding fifty dollars, and by imprisonment not exceeding five days, either or both.

Section 27. That all civil suits commenced by or for the use of a non-resident of this state, must be dismissed on motion, if security for the costs, approved by the clerk of said court, be not given by such non-

resident when the suit is commenced, or within such time thereafter as the court may direct.

Section 28. That it shall be the duty of the clerk of such court after the lapse of five days from the rendition of judgment therein, if an appeal is not taken, unless otherwise directed by the court, to issue executions on all judgments in favor of the successful parties, which must be signed by him, dated on the day it was issued, and made returnable not less than twenty nor more than sixty days from date of its issue, and he shall place the same in the hands of the sheriff; alias writs shall be made returnable in like manner.

Section 29. If the writ is not executed by the sheriff or only executed in part, the reason why it is not executed, or only executed in part must be stated in the return.

Section 30. Upon the rendition of judgment, execution may be issued by leave of court before the time prescribed in Section 28 of this act for the issuing of executions, the plaintiff, his agent, or attorney, showing sufficient cause therefor by affidavit; but the defendant is not prevented thereby from moving for a new trial, nor deprived of any other right that he would otherwise have had.

Section 31. After the rendition of judgment, and before the expiration of the time limited by Section 28 of this act on affidavit being made and filed with the clerk, that the defendant is about fraudulently to dispose of, or remove his property, and that thereby the plaintiff will probably lose his debt, the clerk must issue execution against the property of the defendant; provided however, that nothing herein contained shall prevent the superseding of execution after issuance thereof upon filing bond as now required by law.

Section 32. That final judgments rendered in civil cases in such court shall after expiration of fifteen days from their rendition be taken and deemed to have passed beyond the control of the court, as if the term of court at which said judgments were rendered had ended, provided however, that nothing herein contained shall prevent the parties from filing a motion to vacate, set aside, or modify such judgment or grant a new trial or re-hearing within said fifteen days, or change or destroy the office of motions for new trials or re-hearings, when so made. Such motion shall be filed with clerk of such court and called to the attention of the court, and an order entered continuing such motion for hearing at a future day.

Section 33. That all processes of whatever nature or kind issued out of such court, shall be directed "To any sheriff of the state of Alabama," who shall either himself or by deputy execute the same with diligence.

Section 34. That the sheriff of said county shall in person or by his deputy attend on such court at all times when the same is in session, and being held, to preserve order, to execute its processes, and to perform such other duties, in all respects as is required in the circuit courts of this state, and he shall furnish all such other subordinate officers as

may be necessary to expedite the business of such court, the same as required under the laws governing him as an officer of the circuit court. The judge of such court shall have authority to exercise general supervision of the sheriff and his deputies that they may attend strictly to the prompt and diligent discharge of their duty in all matters pertaining to the proper dispatch of the business of the court, the preservation of order therein, as may be necessary to expedite its business.

Section 35. That the sheriff shall receive for his services in said court, in civil or criminal cases, the same fees as now or may be hereafter provided by law for similar services in the circuit courts of this state, to be taxed as costs in such cases. The fees allowed the sheriff and witnesses shall be paid directly to them.

Section 36. That the fees and costs that are now or may hereafter be allowed by law to justices of the peace in civil cases, shall be taxed and collected by the clerk in such cases in such court, as is now or may hereafter be provided by law for taxing and collecting costs in the justices of the peace courts, and when collected shall be paid over by the clerk of such court once a month into the treasury of said county.

Section 37. That the fees and costs in criminal cases in such court, shall be the same for like services as are now or may be hereafter provided by law in such cases in and for the county courts of the state, except as herein otherwise may be provided, and shall be taxed and collected by the clerk of such court, and when collected shall be paid once a month into the treasury of said county. Execution may issue for fine and costs or any part thereof remaining unpaid as in civil cases.

Section 38. That all fines, fees and forfeitures accruing from the prosecutions and trials of the criminal cases in such court shall be paid into the treasury of said county, by the clerk of such court at least once a month, except as may be herein otherwise provided.

Section 39. Such court shall be held in the county court house, and the courts of county commissioners or boards of revenue or other like governing body shall provide suitable and adequate rooms for the court and its officers, and supply them with all necessary records, books, files, stationery, stamps used exclusively for official business, typewriters, telephones, or other proper facilities for the efficient discharge and performance of the work and duties of the court and its officers. The Judge of such court shall adopt a seal for the same, which shall be kept in the custody and control of the clerk thereof, and shall be allowed expense for his seal of office, to be paid for by the county.

Section 40. That the judge of such court shall be deemed a county officer within the meaning of the general election laws and other laws of this state and such general election laws shall govern the election of such judge, unless otherwise provided in this act.

Section 41. That in suits before such courts it shall be no objection to the jurisdiction thereof that any defendant is not a resident of such city or that the cause of action did not arise therein, or that the debt was

not created therein, provided that the residence of the defendant is in the said county in which such court is located.

Section 42. That such court may at the discretion of the judge on each secular day open for business, and render judgments by default, nil dicit, or other judgments at any time after nine o'clock of each day; and for the trial of offenses coming within its jurisdiction, in all cases where the party or parties charged cannot give bond and security for their appearance at the regular terms of such court, or desire an immediate trial. All processes of such court, where no time is fixed therein, shall be returnable at nine-thirty o'clock, A.M. of the return day; provided, however, that each calendar month shall constitute a term of such court; and the judge of such court shall have the power and authority to set aside certain days during the term for the trial of civil and criminal cases; and causes may be continued for good cause shown until the next succeeding term of such court. But nothing herein contained shall be so construed as to prevent or interfere with the regular terms of such court. The judge of said court may at his pleasure adjourn court for not exceeding one month in any one year, and all cases set for trial during such period may be carried over or continued during said adjourned term.

Section 43. That the fees of witnesses in such court shall be fifty cents per day, and five cents per mile for each mile traveled to and from the court and place of residence of the witnesses by the usual traveled route, and shall be paid in misdemeanor cases in the same manner in which such fees are now paid in the circuit courts of the state. Provided that all witnesses either in civil or criminal cases in attendance upon such court must prove their attendance within five days after the termination of the trial of the cause in which they are subpoenaed, or called to testify, and unless they shall prove their attendance within such five days their fees shall not be taxed as costs, nor shall they be recoverable against either party. The fees of witnesses, in all criminal cases where no conviction is had shall be governed by the provisions of law applying to similar services in the circuit courts or in preliminary proceedings. That if said fees are not called for within three months after paid into said court they shall be forfeited and paid into the county treasury.

Section 44. Any witness refusing to testify, unless privileged by law from testifying in the cause, must be committed to jail of the county, there remain without bail until he consents to testify.

Section 45. No witness so imprisoned must be discharged at adjournment of the court or afterwards, until he gives bond and surety in an amount to be prescribed by the judge of such court, to be approved by the judge of probate, payable to the state, and conditioned to appear at the next session and give evidence in the cause.

Section 46. If any witness who, after being subpoenaed, fails to attend pursuant to the mandate of the subpoena and remain until his testimony is given, or he is discharged, forfeits ten dollars to the use of

the party summoning him; and the attendance of such witnesses may be compelled by attachment.

Section 47. A conditional judgment must, on motion of such party, be rendered against such witness, and a notice issued to him that such judgment will be made absolute unless he appear at the next court and render a good excuse for his default; and on being personally served with a copy of such notice three days before the next or any succeeding succession, if he fails to appear and render a satisfactory excuse for his default, such judgment may be made absolute, or reduced, as the court may direct.

Section 48. Witnesses failing to attend court may make their excuse by affidavit, or viva voce, in open court, which the court must hear at any time, unless engaged in the trial of a cause, and, if the excuse is sufficient, release the party from any fine imposed, without the payment of costs.

Section 49. When any witness who has been duly summoned in a criminal case, and who fails to appear as commanded, forfeits ten dollars to the party at whose instance he was summoned, for which a conditional judgment must be rendered against him.

Section 50. When a conditional judgment has been rendered against a defaulting witness in a criminal case, if he does not appear at the same term and show a sufficient excuse for his default, a notice must be issued by the clerk of the court, notifying him of the rendition of such conditional judgment, and that the same will be made absolute at the next term of the court, unless he appears and show sufficient excuse for his default; which notice must be served by the sheriff and returned three days before the next term of the court; and if he fails to appear as required, or fails to show a sufficient excuse for his default, to be determined by the court, the judgment must be made absolute against him.

Section 51. If two notices of the rendition of such conditional judgment are returned "Not found" by the proper officer, such returns are equivalent to personal service, and judgment may be made absolute thereon.

Section 52. If witnesses, after being summoned, fail to appear and testify, as commanded, a conditional judgment may be rendered against them; if state witnesses, in favor of the state, for the use of the county; if defendant's witnesses, in favor of such defendant; and in such cases, the proceedings may, in all material respects, be made to conform to those given for forfeitures of bail bonds. The penalty for non-attendance by a witness in such court shall be ten dollars, and the judgment must be entered for that amount.

Section 53. When a forfeiture has been taken against a defendant and the sureties on his bail bond, it shall be the duty of the clerk to issue another warrant of arrest against the defendant, upon which the same proceedings shall be had as upon the original warrant; and when a forfeiture has been entered against a witness for non-attendance another

subpoena may be issued for him, upon which the same proceedings may be had as upon the original subpoena.

Section 54. That the owner of any judgment rendered by said court for twenty-five dollars or over, may file in the office of the judge of probate of any county of this state a certificate of the clerk of said court by which the judgment was rendered under the same procedure, and in the same manner as now or may hereafter be provided for filing judgments of the circuit courts; and when so filed such judgments shall be a lien in the county where filed, on all the property of the defendant which is subject to levy and sale under execution. The filing of such certificate of judgment, shall be notice to all persons of the existence of the lien thereby created. Such lien shall continue for ten years from the date of such judgment and no insolvency proceedings or declaration of insolvency shall affect or impair such lien, except bankruptcy proceedings instituted within four months after the filing of the certificate provided by law. Execution may be issued at any time within ten years from the date of such judgment, whether execution has been previously issued or not. The clerk for the issuance of said certificate of judgment shall be allowed the same fees as are now allowed for the issuing of certificates of judgment in the circuit courts of the state.

Section 55. The same provision in reference to filing of interrogatories to parties in litigation and the same provisions in reference to taking of depositions as are now or may hereafter be provided for in the filing of interrogatories and the taking of depositions in the circuit courts of this state, shall apply to the filing and taking of depositions in this court.

Section 56. The sheriff, or his deputy, or any person specially deputed by the court, may execute all warrants of arrest, attachments, subpoenas, etc., for witnesses or any other process issued by the court during term time and within three days before trial which are to be executed during term time, in the county or any adjoining county to that county in which said court is held. The sheriff, or the deputy of the sheriff, or person specially deputed may act upon a copy of such warrant, attachment or subpoena, given him over a telephone or by telegraph by the sheriff or clerk of the court.

Section 57. That if for any reason any section, clause, or provision of this act shall be declared to be invalid or unconstitutional, it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

Section 58. That all laws and parts of laws, whether local, general, or special, in conflict with the provisions of this act be, and the same are hereby repealed.

Section 59. This act shall take effect immediately upon its passage and approval.

Approved February 5, 1931.

No. 14) (HJR 23. Goode.

HOUSE JOINT RESOLUTION

WHEREAS, the Congress of the United States has passed an Act approved by the President, May 22, 1928, entitled, "An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act entitled 'An Act donating public lands for the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts' approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture," and,

WHEREAS, it is provided in section 1 of the Act aforesaid, that the grants of money authorized by this Act shall be paid annually "to each State which shall by action of its Legislature assent to the provisions of this Act";

THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that the assent of the Legislature of the State of Alabama be and is hereby given to the provisions and requirements of said Act, and that the trustees of the Alabama Polytechnic Institute be and they are hereby authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension work which shall be carried on in connection with the said Alabama Polytechnic Institute, in accordance with the terms and conditions expressed in the Act of Congress aforesaid.

Approved February 5, 1931.

No. 15) (HJR 27. Pierce.

HOUSE JOINT RESOLUTION

WHEREAS, the general business depression now prevailing throughout the United States has affected agriculture more seriously perhaps than any other industry due to crop reverses and burdensome debts under which most farmers are laboring, and

WHEREAS, there is no provision in the Federal farm loan act for forestalling foreclosures even in an emergency and the Federal land banks are compelled, from lack of sufficient reserves, to proceed with foreclosures automatically in order to maintain the securities required by law for protection of the holders of land bank bonds, and

WHEREAS, Representative Henry B. Steagall, ranking Democrat of the House banking and currency committee, appreciating the crisis through which agriculture is passing and seeing the need of remedial legislation in this connection, has introduced a bill in Congress which provides that the Treasury shall supply $5,000,000.00 to each of the 12 Federal land banks to be added to the reserve of the banks enabling

them to handle their delinquent mortgages in a way to prevent arbitrary foreclosures and relieve the situation,

WHEREFORE, BE IT RESOLVED by the House, the Senate concurring, that the Legislature of Alabama hereby commends Congressman Steagall for his timely action in offering this bill and appeals to the Congress of the United States now assembled at Washington, D. C. to pass this bill as speedily as possible.

BE IT FURTHER RESOLVED, that copies of this resolution be promptly forwarded to the Speaker of the House of Representatives and the President pro tempore of the Senate of the United States, Washington, D. C.

Approved February 5, 1931.

No. 16) (HJR 29. McElderry.

HOUSE JOINT RESOLUTION

WHEREAS at a meeting of the surviving members of the Constitutional Convention of Alabama of 1901, held in the City of Montgomery, Alabama, on October 22nd, 1929, the following resolution was unanimously adopted:

"(1) That in recognition of the life, character, statesmanship and leadership of the Hon. John B. Knox, whose unselfish devotion to his state and whose ability as a lawyer and statesman contributed in such a marked degree to the framing and adoption of the present Constitution of Alabama, under which "White Supremacy" is preserved to ourselves and our children; and in recognition of him as the representative of the members of the Constitutional Convention of 1901, who aided in this great work, there shall be prepared a suitable portrait of the Hon. John B. Knox, president of the convention, which, when prepared, shall be tendered to the State of Alabama and presented to the state, if and when the Legislature by joint resolution shall accept the same and provide a suitable, permanent place for its display in the State capitol (preferably in the hall of the house of representatives where the convention was held.)

"(2) That for the purpose of carrying this resolution into effect, a committee of five shall be named by the secretary of this reunion, which committee will have plenary powers to do any and all things necessary to the prompt accomplishment of the things provided herein."

AND, WHEREAS, pursuant to said resolution the surviving members of said convention have procured and tendered to the State of Alabama such a portrait of the Hon. John B. Knox, and,

WHEREAS, it is the will of the Legislature of the State of Alabama that said portrait be accepted in the name of the State and in accordance with the spirit of the said resolution:

NOW, THEREFORE, BE IT RESOLVED by the House, the Senate concurring:

1: That the said portrait of the Hon. John B. Knox, tendered to the State of Alabama by the surviving members of the Constitutional Convention of 1901 be, and the same is, hereby accepted by the State of Alabama and that the said portrait shall be hung over the Speaker's desk in the State Capitol in the Hall of the House of Representatives, where the said Constitutional Convention was held and where its distinguished President presided during its entire term.

2: That a joint session of the House and the Senate shall be held on the 3rd day of February, 1931, between the hours of One and Two. P.M., for the purpose of receiving the said portrait when the same is formally presented to the State for and on behalf of the surviving members of the Constitutional Convention and when the same shall be formally accepted on behalf of the State of Alabama,—and a committee of one from the Senate and three from the House shall be appointed to cooperate with the committee of the surviving members of the Constitutional Convention to arrange the details of such presentation and acceptance.

Approved February 3, 1931.

No. 17) (HJR. 33. Culver.

HOUSE JOINT RESOLUTION

The House of Representatives and the State Senate of the Alabama Legislature of the 1931 session assembled in the City of Montgomery this 29th day of January 1931, address the members of Congress and the United States Senate in unanimous resolution as follows:

"WHEREAS, the Coosa-Alabama River, the third largest river of the South, is already navigable from Montgomery to Mobile a distance of 337 miles, and is already navigable from Rome, Georgia, to Gadsden, Alabama, a distance of 105 river miles and,

"WHEREAS, eighty (80) per cent of the expense of making the Coosa River navigable from Gadsden to Montgomery, a distance of 193 River miles, already has been borne by the Alabama Power Company in the erection of power dams, and,

"WHEREAS, the opening of this river between Montgomery and Rome will add greatly to the commercial and industrial development of one of the richest and most favored sections of our country, with its vast deposits of iron ore and coal and other minerals and with its extremely favorable manufacturing cost conditions and will serve in Alabama north of Montgomery ten counties with a combined population of 350,000 people, and,

"WHEREAS, the channel open between Mobile, Montgomery, Gadsden and Rome will serve the commercial and Industrial interests of twenty counties with a combined population of 700,000 people, and,

"WHEREAS, an expert survey of the Mississippi Valley Association and the Coosa-Alabama River Transportation Company and others, have set forth the fact that tonnage available for barge transport on the Coosa-Alabama River is sufficient for any necessary expenditure for canalization and equipment, and,

"WHEREAS, the engineers of the United States Government have made detailed examination and report and are now thoroughly familiar with all physical conditions and improvement costs,

"NOW, THEREFORE, BE IT RESOLVED that the Legislature of Alabama go on record in asking that our National Congress do its part to bring about the early opening of a nine foot channel in the 700 miles of river bed extending from Rome, Georgia to the Gulf of Mexico."

Approved February 5, 1931.

No. 18) (HJR. 37. Hightower.

HOUSE JOINT RESOLUTION

Memoralizing Congress to immediately provide for the retirement and payment of the Adjusted Service Compensation certificates issued to the veterans of the World war payment to be made during the calendar year of 1931, with option to those who do not desire cash to retain their certificate.

WHEREAS owing to the present unparalleled financial and economical depression in the United States there are thousands of World War Veterans who are unemployed and they and their dependents are in dire want; and

WHEREAS the United States Government within the three or four years following the World War adjusted in cash all of the claims of the war contracts, shipbuilders, railroads, and others who dealt with or had any claims involving property rights against the Government; and

WHEREAS on the other hand the Government very tardily and only in response to a widespread and vigorous demand on the part of the public adjusted the compensation for services of the Veterans of the World war, which services were rendered in toil, sweat and blood, on a much smaller proportional basis, and then gave certificates payable in 1945 in payment thereof: Now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA (The Senate Concurring Therein) That the Congress of the United States be, and is hereby memoralized to provide for the retirement and payment of the Adjusted Service Certificates issued by the Government to the veterans of the World War, immediately, so that the Veterans would receive this payment during the calendar year 1931, with option to those that do not desire cash to retain their certificate.

RESOLVED FURTHER, that copies of this resolution be transmitted to the United States Senators and Congressmen representing the State of Alabama.

Approved February 5, 1931.

No. 19) (HJR. 38. Coats.

HOUSE JOINT RESOLUTION

WHEREAS, no man in Alabama during the last quarter of a century has received greater gifts within the range of the electorate of this state than has J. Thomas Heflin, Senior United States Senator from Alabama, he having held during that period the office of Secretary of State, Member of Congress, and United States Senator, and

WHEREAS, the said J. Thomas Heflin has during the greater part of his tenure of office as United States Senator made Alabama the laughing stock of the Union by his bigotry, lack of religious tolerance, and the lack of many of the courtesies generally expected between one gentleman and another, these acts having been displayed not only in this state but on the floor of the United States; and

WHEREAS, the said J. Thomas Heflin has done very little of a constructive nature during his tenure of office as United States Senator for the citizenship of Alabama; and

WHEREAS, the said J. Thomas Heflin has been defeated in a general election held in this state for the position of United States Senator, by more than 50,000 majority; and

WHEREAS, the said Senator Heflin has served notice in the United States Senate that he will contest the seating of Senator-elect, John H. Bankhead, of Alabama, who was successful in being elected to succeed the said Heflin; and

WHEREAS, in plain language J. Thomas Heflin accuses the Democratic Executive Committee of the State, and the various County executive Committees, and all election officers in the State of Alabama with stealing in that he says that fraudulent use was made of absentee ballots, "counting of ballots contrary to the way they were cast; illegal and fraudulent rejection of ballots properly cast for Senator Heflin; illegal expenditure of funds to defeat Senator Heflin and resorting to intimidation, coercion and bribery as a means of defeating him; now, therefore,

BE IT RESOLVED, by the House, the Senate concurring, that the Legislature of the State of Alabama does hereby express its condemnation of the very poor sportsmanship exhibited by Senator Heflin in being unwilling to admit like a man that he was defeated in a fair election.

RESOLVED, further, that Senator Heflin be condemned by this body for the unjust and untrue insinuations in which he has charged

"fraudulent violation of the law and irregularities in the casting of great numbers of illegal and fraudulent votes in each of the sixty-seven counties in Alabama."

BE IT RESOLVED, further, that in view of the fact that we, as Representatives and Senators from the sixty-seven counties and the thirty-five districts of Alabama, having been duly elected in the same general election in which the said Heflin was so overwhelmingly defeated, wish the world to know that we resent the implications that the sovereign citizens of the State of Alabama, were not fair or honest in the conduct of elections where we ourselves and our friends are so vitally affected.

BE IT RESOLVED, further, that such implications as are made in the charges filed by Senator Heflin are false in the premise and are without foundation in fact, as he well knows.

BE IT RESOLVED, further, that a copy of these resolutions be filed with the presiding officer of the Senate of the United States; that a copy be forwarded to Senator J. Thomas Heflin; that Hon. Hugo Black, Junior United States Senator be supplied with a copy of these resolutions with the request that he present them to the Senate for inclusion in the Congressional Record.

Approved February 5, 1931.

No. 20) (S. 51. Teasley

AN ACT

To Amend the Title and Sections 1, 7, 8, 11, 12, 14, 16, 18, and 25 of "An Act Entitled An Act To Provide and Create a Commission Form of Municipal Government and To Establish same in all Cities of Alabama which now have or which may hereafter have a population of as much as Twenty-five Thousand and less than Fifty Thousand People, according to the last Federal census, or any such census which may hereafter be taken; To Regulate the Selection and Election of Commissioners and their Terms of Office, To Fix their Powers, Duties and Compensation, To Punish Improper conduct in connection with Elections and Petitions hereunder; To Abolish Police Commissioners, Aldermen and certain other City Officials, and otherwise Provide for the Creation and Maintenance of said Commission Form of Government." Approved September 18, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That the title of "An Act to provide and create a Commission form of Municipal Government and to establish same in all Cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections

and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government," approved September 18, 1923, be and the same is hereby amended so as to read as follows: "An Act to provide and create a Commission Form of Municipal Government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than sixty-seven thousand people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection or nomination and election of commissioners and their terms of office; to fix their powers, duties and compensation, to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government."

Section 2. That Section 1 of said Act be and the same is hereby amended so as to read as follows: All cities of the State of Alabama which have a population of as many as twenty-five thousand and less than sixty-seven thousand people, according to the last Federal census, or which shall hereafter have such a population according to any such census that may be taken hereafter, shall become organized under the commission form of government, according to the terms of this Act, and shall be known as cities of Class "C".

Section 3. That Section 7 of said Act be and the same is hereby amended so as to read as follows: Every city organized under the form of government provided for by this Act, shall be governed and managed by the board of commissioners provided for herein, except as otherwise provided herein. Each and every officer and employee of said city except the health officer and such persons as may be employed by him to enforce quarantine, and such other officers and employees as are designated in this Act shall be selected and employed by the said board of commissioners, under its direction, and all salaries and wages paid by said City except as otherwise provided by the terms of this Act, shall be fixed by said Board of Commissioners. Unless otherwise provided in this Act, the commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the health officer and those holding under him, all of whom except those herein otherwise specified, shall hold office and be removable at the pleasure of the board of commissioners, except such other employees whose employment, term of office, removal and the prescription of whose duties are otherwise provided for in this Act. The powers and duties of the board of commissioners in such cities shall be distributed into and among three departments, as follows: (1) Department of public affairs; (2) Department of finance; (3) Department of public works. The powers and duties pertaining to each of said departments shall be fixed by the said board of commissioners,

and altered from time to time as they may deem best, for the good of the service.

Section 4. That Section 8 of said Act be and the same is hereby amended so as to read as follows: Said board of commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said board from time to time, and publicly announced by it, and it may hold such adjourned, called and other meetings as may be necessary or convenient. The president of the board, when present, shall preside at all meetings of said board but shall have no veto power. A majority of the total number of members of said board shall constitute a quorum for the transaction of any and every business to be done by said board, and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of said board shall be necessary and sufficient for the passage of any resolution by law or ordinance, for the transaction of any business of any sort by said board of the exercise of any of the powers conferred upon it by the terms of this Act or that may be hereafter conferred upon it, by this Act, except remitting fines, penalties and imprisonment. This provision shall not be construed, however, so as to prevent the said board from delegating or assigning to one or more of its members, or to such boards, commissions, officers or employees as may be created or selected by it the performance of such executive or judicial duties, and powers that are by this Act vested in said board of commissioners, as may be necessary or convenient, provided the same is done by resolution, by law or ordinance duly enacted according to the terms of this Act, where not otherwise provided. All meetings of said boards of commissioners shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvement, enacting any regulations, concerning the public comfort, the public safety or public health or of any other general or permanent nature, shall be enacted, except at a regular or adjourned public meeting of said board, provided that a meeting of the board of commissioners of said city may be called at any time to consider the act upon an emergency that involves the public safety or public health, when not otherwise herein provided. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken and the yeas and nays thereon shall be recorded, a record of the proceedings of every such meeting shall be kept in a well bound book and every resolution and ordinance passed by the board of commissioners must be recorded in such book and a record of the proceedings of the meeting be signed by at least two of the commissioners before the action taken shall be effective, such record shall be kept available for inspection by all citizens of such city, at all reasonable times.

Section 5. That Section 11 of said Act be and the same is hereby amended so as to read as follows: In every city which shall become organized according to the provisions of this Act, an initial election shall be held on the third Monday in September 1915 for the election of three commissioners and of the three commissioners elected, that one who receives the highest number of votes at the initial election shall be president of the commission and shall have the power of the president therein provided for in this Act. Thereafter an election shall be held on the third Monday in May 1919 and on the same day of every fourth succeeding year, including the year 1927, and on the third Monday in May 1931, and on the same day of every fourth succeeding year, for the election of the president and two other members of the board of commissioners to hold office for a term of four years from the first Monday in October in said year and until their successors shall be elected and shall qualify for office. Any person desiring to become an independent candidate at any election which may be held according to the terms of this Act for the office of president of the board or other commissioner may become such a candidate by filing in the office of the Judge of Probate of the county in which said city is situated a statement of such candidacy accompanied by an affidavit taken and certified by said Judge of Probate or by a notary public that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be substantially in the following form: "State of Alabama (_____ County), I, the undersigned, being first duly sworn depose and say that I am a citizen of the city of _____in said State and county and reside at_____ _____in said city; that I desire to become a candidate for the office of_____in said city for the term of _____years at the election of said office to be held on the _____day of_____next; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election (Signed)_____ _____ Subscribed and sworn to before me by said _____on the _____day of_____ 19_____and filed in this office for record on said day_____ _____Judge of Probate." Said statement shall be accompanied by a petition signed by at least one hundred persons who shall be qualified to vote at said coming election, requesting that such person become a candidate for said office at said election. The signers of said petition shall set forth their names in full and their residence addresses and said petition shall be substantially like the following: "We, the undersigned duly qualified electors of the city of_____and residing at the places set opposite our respective names, do hereby request that the name of_____be placed upon the official ballot as a candidate for the office of_____in said city for the term of

_____years at the election to be held in this city on the_____ day of_____next. We further state that we know said _____to possess the qualifications necessary for said office and to be in our judgment a fit and proper person to hold said office. Witness our hand on this the_____day of_____ 19_____", At every such election all ballots to be used by the voters shall be printed and prepared by the said city at its expense. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to the provisions of this Act; and no ballot shall be used at any such election except the official ballot prepared as provided in this Act. At every such election the Judge of Probate, sheriff and clerk of the circuit court of the county in which such city is situated, or a majority of them acting as an appointing board, must not more than ten nor less than five days before the holding of such election, appoint from the qualified electors of the respective voting places three inspectors and two clerks for each place of voting, and a returning officer for each precinct, to act at the place of holding elections in each precinct in such city. All candidates of political parties shall in addition to any affidavit required by such party authority make and file in the office of the Judge of Probate of the county in which said city is situated the affidavit required to be filed by independent candidates. All elections held under this act shall, where applicable, and not in conflict with this act, be governed and conducted in all respects as provided under Chapter 19 of the Code of Alabama.

Section 6. That Section 12 of said Act be and the same is hereby amended so as to read as follows: At every election each voter shall vote for one candidate for each office to be filled and no ballot shall be counted which fails to comply with this requirement, and the candidates receiving the highest number of votes for such office shall be elected thereto. The candidate receiving the highest number of votes in said election shall be declared elected.

Section 7. That Section 14 of said Act be and the same is hereby amended so as to read as follows: Every person who shall be elected to the office of commissioner in any city organized according to the provisions of this Act, shall before entering upon the discharge of the duties of the office qualify by making oath that he is eligible for said office, and will execute the duties of the same according to the best of his knowledge and ability. Said oath shall be administered by the retiring mayor or president of the board of commissioners of such city, or by a notary public. The term of office of said commissioners shall begin on the first Monday of October succeeding the election, except as may be otherwise expressly provided by this Act. Each commissioner shall before entering upon the duties of this office, give a good and sufficient bond, which may be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of any such city, in the sum of five thousand dollars, condi-

tioned for the faithful discharge of his duties, and that he will save such city harmless from all loss caused by his neglect of duty or misfeasance in office or for the willful expenditure of any moneys of such city in violation of law, and said bond before being accepted, shall be approved by the Judge of Probate, in and for the county wherein such city is situated. The premiums on said bond shall be paid out of the city treasury. No member of the commission nor any person holding an office of profit under them, shall hold any office of profit or trust under the laws of any State or the United States, or hold any county or other city office; nor shall the commission or any commissioner ever be elected or appointed to any office created by or the compensation of which was increased or fixed by the commission, while he was a member thereof, within two years therefrom.

Section 8. That Section 16 of said Act be and the same is hereby amended so as to read as follows: Whenever any vacancy shall occur in the office of the president of the board or any other commissioner of any city organized under the terms of this Act then the remaining commissioners of such city shall order an election to be held not less than sixty, nor more than ninety days from the date such vacancy occurs, at which election a successor to said office to hold office for his unexpired term shall be voted for. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in such city. Any person desiring to become a candidate for such office at such election shall qualify as provided herein and upon his so doing his name shall be placed upon the official ballot used in said election. The person who shall be elected to such office at such election shall qualify for office as soon as practicable and shall hold office for the unexpired term of his predecessor.

Section 9. That Section 18 of said Act be and the same is hereby amended so as to read as follows: It shall be legal to hold party mass meetings, conventions or primary elections for the purpose of nominating candidates for Board of Commissioners under this Act. (a) Candidates for president and commissioners of such cities may be nominated in mass meetings, conventions or primary elections as defined in Section 601 of the Code of Alabama, by any political party as defined in Section 602 of the Code of Alabama. (b) All mass meetings, conventions or primary elections under this act shall be held on the third Monday in March 1931, and every four years thereafter for the nomination of candidates for president and commissioners of said cities, by all political parties as herein defined. (c) The beat or precinct committeemen of the county executive committee of precincts, located within or partly within said cities, shall constitute the executive committee of the political parties as defined in this Act, until committees are elected as herein provided. Said committee shall elect a chairman who shall have all the power and authority of the chairman of other committees of like character. There shall be elected in the first primary held under

this act by the different political parties a committee composed of one member from each beat located within or partly within said cities and every four years thereafter. Said committee shall have all power and authority that is exercised by similar committees of the different political parties under Chapter 20 of the Code of Alabama. (d) The expense of such primary elections shall be paid in the same manner and to the same extent as is or may be provided by law for the payment of expenses of the city elections held under this act. (e) The said committees hereby created, or other governing authority, shall, at least, twenty days prior to the holding of such primary election, certify to the Judges of Probate of the counties in which said cities are located, the names of all candidates of their parties running for office, who are to be voted for by the voters of said cities and the Judge of Probate of said counties, in which said cities are situated, shall in the manner and form provided for, prepare all ballots for such primary elections. (f) When it shall be desired by the city executive committee or governing authority of any political party to enter the primary election held under the provision of this act, said committee shall give notice thereof by advertising in some newspaper published in said city at least once a week for three consecutive weeks prior to such primary elections. (g) All persons who are qualified electors under the general laws of the state shall have the right to participate in such primary elections, subject to such political or other qualifications as may be prescribed by the city executive committee or governing body of such political party for its candidates. (h) Separate official ballots and other election stationery, supplies for each political party shall be printed and furnished for use at each ward or precinct and shall be of a different color for each of the political parties participating in such primary election. Across the top of the ballots shall be the words "Official Primary Election Ballot". Beneath this heading shall be printed the year in which said election is held and the words "Democratic Party" or "Republican Party" or other proper party designations. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidate seeks nomination and in the proper place the words "Vote for One" or "Vote for Two" (or more according to the number to be elected to such office at the ensuing election.) (i) The names of the candidates for each office shall be printed in alphabetical order according to surnames, and the official ballots for primary election shall be printed in substantially the following form:

Official Primary Election Ballot

Make X mark opposite your choice.

_____Party

Ward, District or Precinct number_____

City of _____

For President of Commission
Vote for One
John Doe
Richard Roe

For Commissioners
Vote for Two
John Doe
Buck Doe
Abe Martin
Richard Roe.

(j) Where more than one political party has entered such primary election, the proper officials shall furnish to the election officials of each voting place, separate ballot boxes for each party participating in such primary. Said boxes shall be distinctively marked and the ballots of the electors of each party shall be deposited in the box assigned to and designated to that party. The returns, certificates or official list of voters, ballots, tally sheets and affidavits as to challenged votes, after the canvass of the votes shall be deposited in the ballot box of the party to which they relate. (k) At the close of the primary election at each polling place and nowhere else, the inspectors and clerks shall proceed forthwith without adjournment in a manner provided by law, in case of general election, to count the vote and make return thereof as provided by law in the case of returns of general elections. (l) The following are samples of the tally sheets and instructions for using same in such primary elections.

Form

.....Primary Election

Names of Candidates	Votes Received
John Doe	
Richard Roe	

(m) The counting of the ballots and the results shall be publicly proclaimed. Separate certificates for each of the political parties entering said primary and results of said election shall be drawn up by said inspectors and clerks at each and every election district, precinct or ward, which shall contain all matters and things provided for in the law regulating general elections. Said certificate in this respect shall be in the following form:

We hereby certify that

John Doe —Candidate for_____received_____votes

Richard Roe—Candidate for_____received_____votes

Said certificate shall be signed by each of the inspectors; one copy of same shall be forthwith posted in a conspicuous place at such polling place. A copy shall be deposited with the proper committee or governing authority of each of the political parties participating in the primary at such place as the committee or governing authority shall designate at which to receive such returns. (n) The city executive committee herein created or other governing authority of the parties participating in said primary shall, not later than Friday at noon following the election, receive the returns, canvass the same and declare the results of said primary elections. The candidate for president of the commission receiving a majority of the votes cast shall be declared nominated for the said office. If no candidate shall receive such a majority of votes cast, then the nomination of such office shall be between the two candidates receiving the highest number of votes cast, to be decided in a second primary as herein provided. The candidate or candidates for commissioners receiving the highest number of votes cast for said office shall be declared nominated therefor, provided the votes received by said candidate or candidates shall be the majority of all votes cast for such office. In determining the number of votes cast for such office the total number of votes received by all candidates therefor, divided by the number of candidates to be nominated for such office shall be taken as a total vote cast for such office. If no candidate or if any place or places be not filled in accordance with the above, the nomination shall be decided as follows: twice as many candidates shall be considered as there are places to be filled and only those candidates receiving the highest number of votes shall be eligible to run in the second primary election as herein provided and no other name shall be printed on the ballot. The candidates receiving the majority of votes in such second primary shall be declared nominated for said office. The purpose of providing for a double primary is to insure the majority rule and that all candidates of said party shall receive a majority of votes cast in said primary. (o) The said city executive committee or other governing party or authority shall order a second primary election, to be conducted under the same rules and regulations as the first, to be held one week from the date of the said first primary for the nomination of candidates as hereinabove provided. A ballot commonly known as single shot shall

not be counted. Where two candidates or more are to be nominated for the same office, the voter must express his choice for as many candidates as there are offices to be filled. (p) Within not less than twenty days before the general city election to be held under this act, the said city executive committee or other governing authority shall certify to the Judge of Probate of the county in which said city is situated, the name or names of each such nominee of their party as the candidates of such party for the general city election to the office for which he is nominated. (q) Each candidate for nomination may, at least twenty days before the primary, present to the city executive committee of his party a list of election officers desired by him for any one or more of the districts, wards, or precincts; and his city committee shall, so far as practicable, make up, from the list so presented to it, a list of names of election officers, six in number, for each district, ward or precinct, which it will nominate to the appointing board as herein provided for appointment as officers to conduct the primary election, and the City committee shall present the list so made up by it to the said appointing board which appoints the election officers to conduct elections for said cities, or at any other lawful time, which appointing board from the list so presented to it by the city committee shall select and appoint the officers to conduct the primary election, observing the above rule as to representation wherever more than one party enters the primary and in the latter case if a city committee has not given a sufficient number of names for a box, then the appointing board shall supply the deficiency from electors of that party. (r) All nominations held under this Act may be contested, within five days after the result has been declared, under the same conditions and on the same grounds as provided in the general election laws as to state and county officers, and as provided in this Act. Such contest shall be heard and tried by the city executive committee; and whenever there is no city executive committee as above provided, then by any other governing authority of said political party. (s) The chairman of the city committee, upon the filing with him of any contest as herein provided, shall within five days call said committee together at the county seat, in which said city is located, at a time not less than ten days nor more than twenty days after the filing of such contest, to hear and determine the same. (t) Either party to said contest shall have the right of appeal to the county executive committee from the final decision of the city committee upon the same. Notice of such appeal must be filed with the county executive committee within ten days after the determination of such contest by the city executive committee, and at the time of filing such notice, such appellant shall deposit with the said county committee the sum of one hundred dollars to cover such costs and expenses as may be incurred by the county executive committee to hear and determine said appeal. (u) That the city executive committee or other governing authority of any political party whenever it deems it desirable or necessary may require an enrollment of the voters of such party in such city at any time not less than

thirty days nor more than ninety days from the date of holding any primary election under this Act, and at such primary elections only those voters of such political party who are lawfully enrolled shall be permitted to participate therein. This enrollment shall be made by a committee of three qualified party voters designated by said city executive committee or other governing authority of such party in such city. Such enrollment of voters shall be made at the county seat of the county in which said city is located, after giving at least twenty days notice of the time and place of such enrollment. In the event that any applicant is refused enrollment, then upon his sworn statement that he is a qualified voter of the city and possesses the qualifications prescribed by the party calling such primary election, then his name shall thereupon be enrolled upon said list of voters. Any person who wilfully and falsely makes any such sworn statement shall be guilty of perjury. Each applicant for enrollment shall give his name, the postoffice address and the number of his voting precinct, ward or district. The list of names enrolled shall be arranged by the enrolling committee alphabetically by precinct or voting place and a copy of such list shall be filed by such enrolling committee with the city executive committee at least twenty days prior to the day of the holding of such primary election for which the enrollment is made. The city executive committee shall furnish to the inspectors for such primary election in each precinct one or more copies of the enrolled voters for such precinct and such list of enrolled voters shall be those and only those entitled to participate in such primary election, provided that any voters who may be otherwise qualified to participate in such primary election, but because of sickness, absence from the city or because of some other absolutely unavoidable reason was unable to secure enrollment during the period prescribed by the committee for enrollment under the provisions of this Act, upon his sworn statement in writing setting out in full the reasons which unavoidably prevented his enrollment, shall by the inspectors be permitted to participate in such election even though his name is not upon the enrolled list of voters in such precinct. Any person who makes any sworn statement knowing such statement to be false shall be guilty of perjury. (v) All primary elections held under this act shall, where applicable, and not in conflict with this act, be governed and conducted in all respects as provided under Chapter 20 of the Code of Alabama.

Section 10. That Section 25 of said Act be and the same is hereby amended so as to read as follows: Effective the first Monday in October 1919, there is hereby created in every such city the officer of recorder of such city, and it shall be the duty of the board of commissioners of such city as soon after said date as is practicable to elect a recorder for such city, who shall have all the powers and jurisdiction which now is or hereafter may be conferred by law upon recorders of cities in the State of Alabama. Such recorder shall hold office at the pleasure of the board of commissioners and said board of commissioners

shall fix his compensation and the manner and time of its payment. Whenever the recorder shall be unable for any reason to perform the duties of his office then the said board of commissioners shall designate some person possessing the qualifications of recorder, as provided in this section, to act during the disability of the said recorder, and such person designated, when acting as recorder shall have all the powers and jurisdiction conferred by law upon recorders in the State of Alabama. No fines, penalties or other form of punishment fixed by such recorder shall be set aside except with the consent and sanction of the president of the commission in writing, which consent shall set forth the reason for such action. Provided that no person shall be eligible to the office of recorder of such city who is not a duly qualified elector of such city and who shall not have been admitted to the practice of law in the State of Alabama.

Section 11. All laws and parts of law, both local and general, in conflict with the provisions of this Act are hereby repealed. This Act shall take effect immediately.

Approved February 9, 1931.

No. 22) (S. 68 Teasley.

AN ACT

To authorize and empower Boards of Revenue in Counties having a population of not less than 75,000 and not more than 100,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County funds not exceeding $5,000 per annum for County purposes not otherwise provided for by law.

Be it Enacted by the Legislature of Alabama, as follows:

Section 1. That Boards of Revenue in counties in this State having a population of not less than 75,000 and not more than 100,000 according to the Federal census of 1930, and which may hereafter have such population according to any Federal census hereafter taken, are hereby authorized to appropriate out of any moneys in the County treasury not otherwise appropriated and to expend not exceeding the sum of $5,000 per annum for any county purposes not otherwise provided for by law that in their judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "Contingent Fund."

Section 2. That, under the provisions of Section 1 not more than $5,000 shall be appropriated and expended in any one year, and should any sum or sums remain unexpended in said fund at the end of the year only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the Contingent Fund up to the sum of $5,000.

Approved February 12, 1931.

No. 23) (S. 72. Teasley.

AN ACT

To fix the salaries to be paid the members of the Courts of County Commissioners or Boards of Revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken, and to regulate the payment of same, to provide for the clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same and to provide rules and regulations for the payment and conduct of such officers.

Be it Enacted by the Legislature of Alabama:

Section 1. That the members of Courts of County Commissioners, Boards of Revenue and other courts of like jurisdiction in all counties in this State which now have, or which may hereafter have a population of 75,000 people and less than 100,000 people, according to the last Federal Census, or any such census which may hereafter be taken, shall be paid an annual salary of $1800 per annum each, and that the salary of the Clerk of such courts or Boards of Revenue may be fixed at a maximum of $3000.00, per annum.

Section 2. The Courts of County Commissioners, Boards of Revenue and other courts of like jurisdiction shall have the power and authority to have audited the accounts of the several officers of such counties.

Section 3. That all salaries of the said officers mentioned in this Act and all clerical help and other assistance shall be paid out of the general fund of the several counties affected in monthly installments.

Section 4. That the premiums on said officers bonds and the bonds of their clerks and deputies shall be paid out of the general funds of the several counties affected.

Section 5. That all laws or parts of laws, general, local or special in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Approved February 12, 1931.

No. 26) (H. 29. Grove.

AN ACT

To Suppress The Use And Prohibit The Possession, Transportation, Delivery, Sale, Offering For Sale, Bartering Or Giving Away Of Marihuana, Cannabis Americana, Cannabis Indica, And Of Any And All Compounds Or Mixtures Containing Any Marihuana, Cannabis Americana Or Can-

nabis Indica, Or Any Derivative Therefrom, Including Marihuana Or Muggles Cigarettes, And To Prescribe A Rule Of Evidence For Prosecution Under And Provide Penalties For Violations Of This Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That no person shall possess, transport, deliver, sell, offer for sale, barter, or give away in any form whatever in this State, any Marihuana, Cannabis Americana or Cannabis Indica, or any compound or mixture containing any Marihuana, Cannabis Americana or Cannabis Indica, or any derivative therefrom or thereof or any cigar or cigarettes made of or containing any Marihuana, Cannabis Americana or Cannabis Indica, including especially the cigarettes known as Marihuana or Muggles cigarettes.

Section 2. That in any prosecution for any violation of the provisions or any of the provisions of this Act, the State, in order to make out a prima facie case that the plant, herb, weed, drug, mixture, compound, cigar, cigarette or cigarettes alleged to have been possessed, transported, delivered, sold, offered for sale, bartered or given away, as the case may be, by the defendant, was or contained Marihuana, Cannabis Americana or Cannabis Indica, shall only be required to show that such plant, herb, weed, mixture, or the contents or some of the contents of such mixture, compound, cigar, or cigarette has or had the appearance, odor, or effect, when used, of Marihuana, Cannabis Americana or Cannabis Indica, or of the substance or material obtained from the plant, herb or weed known as Marihuana, Cannabis Americana or Cannabis Indica, and commonly used or adapted for use in the manufacture or making of Marihuana or Muggles cigarettes.

Section 3. Any person violating the provisions, or any of the provisions of this Act, shall for the first offense be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding $500.00, or by imprisonment or hard labor for the county for not more than six months, one or both such fine and imprisonment or hard labor, and upon a second conviction shall be punished by a fine of not less than $50.00 nor more than $500.00, and in addition thereto, shall be imprisoned or required to perform hard labor for the County for not less than three nor more than twelve months, and upon a third or subsequent conviction, shall be fined not less than $250.00 nor more than $500.00 and shall be sentenced to imprisonment or required to perform hard labor for the county for not less than six nor more than twelve months.

Section 4. That if any section or provision of this Act shall be held invalid, such holding shall not affect nor invalidate any other section or provision of this Act which is not in itself invalid.

Section 5. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved February 11, 1931.

No. 27) (H. 69. St. John.

AN ACT

To repeal Sections 8580, 8581, 8582, 8583, 8584, 8585, 8586, 8587, 8588, 8589, 8590, 8591, 8592, 8600, 8601, 8602, 8603, 8604, 8606, 8607, 8625, 8626, 8633, 8634 and 8635 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Sections 8580, 8581, 8582, 8583, 8584, 8585, 8586, 8587, 8588, 8589, 8590, 8591, 8592, 8600, 8601, 8602, 8603, 8604, 8606, 8607, 8625, 8626, 8633, 8634 and 8635 of the Code of Alabama of 1923, be and the same are hereby repealed.

Approved February 14, 1931.

No. 29) (H. 6. Taylor.

AN ACT

To Amend Section 6503 Of The Code Of Alabama Of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That section 6503 of the Code of Alabama of 1923 be and the same hereby is amended so as to read as follows: 6503. (3070) (653) (732) (629) (720) (616) APPOINTMENT, TERM AND REMOVAL OF REGISTER.—There shall be a register of the Circuit Court of each county to be appointed as follows: Where there is only one judge of the Circuit, the register shall be appointed by such judge; where there are more judges than one, the presiding judge shall appoint the register. The register shall hold office for the term of the judge appointing him, but subject to removal by the judge for cause by order to be entered at length on the minutes of the court. The register shall perform all the duties heretofore required of registers in chancery by law; he shall have power to render decrees pro confesso on any day in all cases in which service has been perfected; and shall be entitled to receive all the fees prescribed for registers in chancery; provided, however, that in all counties having a population of 200,000 or more according to the last or any subsequent Federal Census that the fees collected by the register shall be paid into the County Treasury. In circuits composed of one county only, having five or more judges, the judge numbered first shall appoint the register.

Section 2. That all laws or parts of laws whether special, general, or local, in conflict with this Act, are hereby repealed.

Section 3. This Act shall become effective upon its passage.

Approved February 14, 1931.

No. 30) (H. 13. Taylor.

AN ACT

To further provide for the compensation of Official Court Reporters in all Judicial Circuits of the State of Alabama which now or hereafter may be composed of only one County having more than two and less than nine Circuit Judges.

Be it Enacted by the Legislature of Alabama:

Section 1. In Judicial Circuits of the State of Alabama which now or hereafter may be composed of only one County having more than two and less than nine Circuit Judges, each Official Court Reporter shall receive a salary of Three Hundred Dollars ($300.00) per month to be paid by the County, the same to be paid by the Treasurer out of the general funds thereof upon the warrant or certificate of the Judge appointing such Reporter.

Section 2. That in addition to the salary of Three Hundred Dollars ($300.00) per month herein provided for each of the Official Court Reporters is entitled to all transcript fees which are now authorized to be charged for by law, and he may charge, collect and retain a transcript fee of fifteen cents per one hundred words in all such cases.

Section 3. All laws and parts of laws, whether special, general or local in conflict with this Act, are hereby repealed.

Section 4. That this Act shall become effective upon its passage.

Approved February 13, 1931.

No. 31) (H. 16. Sossaman.

AN ACT

To provide for a matron at the county jail in all counties having a population of not less than one hundred thousand and not more than three hundred thousand according to the last or any subsequent Federal Census; to fix her duties and provide for her compensation.

Be it Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than one hundred thousand and not more than three hundred thousand according to the last or any subsequent Federal Census the sheriff shall and hereby is authorized and empowered to employ a matron at the county jail.

Section 2. She shall look after the comfort and welfare of the female prisoners in the jail, and perform such other duties as she may be directed to look after by the Sheriff of the county. She shall be dischargeable at the pleasure of the Sheriff.

Section 3. She shall receive a salary of one hundred and fifty dollars per month, payable out of the county treasury of the county as the salaries of the other county employees are paid.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed.

Approved February 13, 1931.

No. 32) (H. 37. Goodwyn.

AN ACT

To Make An Appropriation To Provide For The Comfort And Welfare Of Confederate Veterans In Attendance Upon The Annual Meeting Of The United Confederate Veterans In The City Of Montgomery In June, 1931, And To Prescribe The Regulations Under Which Said Money Shall Be Paid Out.

Be it Enacted by the Legislature of Alabama:

Section 1. That the sum of Fifty Thousand Dollars ($50,000.00), or as much thereof as may be necessary, be and the same is hereby appropriated to be paid out of the State treasury on the approval and warrant of the Governor, to provide for the comfort and welfare of the Confederate veterans in attendance upon the Reunion of Confederate Veterans, to be held in the City of Montgomery during June, 1931.

Section 2. The monies hereby appropriated shall be paid out with the approval of the Governor and on his warrant, and shall be paid when he may authorize same, and to such person or persons as shall have charge of the direction and management of the arrangements for the care of the Confederate veterans attending said General Reunion.

Approved February 14, 1931.

No. 36) (H. 105. Taylor.

AN ACT

To provide guards for County Jails and to fix their compensation in all Counties having a population of not less than 100,000 nor more than 300,000 according to the last or any succeeding Federal Census.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Sheriff of Counties having a population of not less than 100,000 nor more than 300,000, according to the last or any succeeding Federal Census, be and he hereby is authorized to employ and keep in his service four prison guards who shall perform such

duties in such County Jails as may be from time to time assigned to them by the Sheriff of such County; that such guards shall be appointed by the Sheriff and shall be subject to his order and may be discharged at the will of such Sheriff; that three of the said guards shall receive a salary of $125.00 per month and one of the said guards shall receive a salary of $150.00 per month to be paid out of the Treasury of the said County.

Section 2. That all Laws, General, Local or Private and all parts of any such Laws in conflict with this Act be and the same are hereby repealed.

Approved February 13, 1931.

No. 37) (H. 116—St. John

AN ACT

To provide for establishing, constructing and maintaining public roads and bridges in counties now having, according to the last federal census, or that may hereafter have according to any subsequent federal census, a population of forty-one thousand or more, in which there exists a local Highway Commission, and to create in lieu of such Highway Commission for such counties, a Board of Public Road and Bridge Commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said Board: and to provide their compensation.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby created in lieu of the Highway Commissions, in all counties having a population of forty-one thousand or more, according to the last federal census, or that may have such population according to any subsequent federal census, a Road and Bridge Commission, composed of the Judge of Probate of said county, who shall be Ex-Officio Chairman thereof, and two Associate Commissioners to be appointed by the Governor, and who shall hold office concurrently with the Governor making the appointment, and until their successors are appointed and qualified. Said Associate Commissioners shall be, at the time of their selection and during their incumbency in office, qualified electors of the county. All vacancies on the membership of said board shall be filled by appointment of the Governor, and such appointee shall hold for the unexpired term and until his successor is selected and qualified. The associate members shall receive four dollars per day for the time actually expended in the performance of their duties not to exceed fifty dollars for any one month to be paid out of the Road Fund on bill presented by such member duly sworn to and to be paid in such manner as other bills against said road fund

are paid upon warrants issued by the Chairman of said Board, after having been authorized by the vote of two or more members of said Board. But before assuming the duties of the office as member of said board, shall take the oath of office prescribed by law for other officers of the county, which shall be likewise filed and recorded.

Section 2. The said Board of Public Road and Bridge Commissioners is hereby invested with a general and exclusive jurisdiction and superintendents of public roads and bridges in said county and may establish new roads and change and discontinue old roads in the same manner and to the same extent as now exercised by the Court of County Commissioners of said county; and all the jurisdiction, powers and authority now conferred by law on the Courts of County Commissioners or Boards of Revenue of the several counties of this State under the general laws of the State, as to public roads and bridges of said county, be and the same are hereby conferred on the said Board of Public Road and Bridge Commissioners of said county; and all jurisdiction of the said Court of County Commissioners of said county over the public roads and bridges and road and bridge fund of said county is hereby abolished.

Section 3. The said Board of Public Road and Bridge Commissioners shall hold regular meetings at such times as may be fixed by the Commissioners, and such other special meetings as the road business of the county may require, such special meetings to be called by the chairman on sufficient notice to the associate members. The affirmative votes of two members of said Board of Public Road and Bridge Commissioners shall be sufficient to decide any question coming before said Board for decision. Such Board of Public Road and Bridge Commissioners, as soon after the appointment and qualification of members thereof as practicable, shall divide said county into as many road districts as in the discretion of the Board is necessary—not less than five, nor more than seven districts—and the said Board is hereby authorized and empowered to employ a district road supervisor for each of the said districts to supervise all construction and maintenance of the roads and bridges of his district, and shall fix his duties and compensation, and may discharge such supervisor at their discretion and employ other supervisors. Such supervisors may be employed for such time as in the judgment of said Board is necessary to the proper construction and maintenance of the roads and bridges of the county. Such Board shall also have power and authority to employ such other labor and teams as may be necessay for the construction, maintenance and improvements of the roads and bridges in such county, and to buy machinery, tools, implements, books, receipt-books, records and stationery to be used by said Board, and other necessary equipment and road material which in their judgment is necessary for use on the public roads and bridges of said county, and to provide for the necessary sheltering and housing of the same and to pay all necessary ex-

penses incurred by said Board, or any member thereof, in performing the duties imposed by this Act. Said Board shall have authority, when it deems it necessary, to employ an engineer on such terms and for such time as is necessary in the location or change of any public road in the county, and to pay him for his services out of the road and bridge fund of the county. Such Board shall have exclusive jurisdiction and control over the expenditure of all road and bridge funds in said county from whatever source obtained and shall pay the same out upon warrants issued by the chairman of said Board after having been authorized by the vote of two or more members of the said Board; and the Treasurer of said county, or other custodian of the public funds of said county, shall pay the warrants so drawn, upon their presentation, out of the road and bridge funds of said county. Said Board shall also have the power and authority to employ a clerk of said Board, whose duty shall be to keep a true and correct record of the proceedings of said Board, as required by law of Courts of County Commissioners as to proceedings with reference to public roads and bridges, and of the receipts and disbursements thereof, and to keep a record of all tools, machinery and implements and road material and a list of road hands in such districts and the names of all roads in the county; and shall perform such other duties as may be required of him by the said Board. Said Clerk shall receive a salary of $125.00 per month to be paid out of the general or road fund of the county on warrant issued by the Judge of Probate. Each of the road supervisors hereinbefore provided for shall make a true and correct itemized report of all work done in his district, and of the condition of the roads and bridges in his district, the labor employed, and a true and correct statement of the amount due each laborer for work, and all other expenses in connection with the road work in his district at the end of each month, which shall be audited by said Board, and, if found correct, the Board shall order a warrant drawn in favor of the person to whom any money is due for the amount so due. No warrant shall be drawn for the payment of any claim against the road funds of said county except upon a duly itemized, verified account thereof being filed with said Board of Public Road and Bridge Commissioners and duly audited and allowed by said Board.

Section 4. Said district road supervisors, subject to the approval of the Board of Public Road and Bridge Commissioners of said county, shall, as soon after their appointment as practicable, appoint as many road overseers in their respective districts as may be necessary for the working, maintenance and construction of roads in said district, which said overseer shall be not under twenty-one nor over fifty-five years of age, and shall apportion the road hands in their respective districts to the different roads therein, and shall order the road overseers to call out the hands on said road for the purpose of maintaining and working said roads at such times as the

district road supervisors may deem best, and to report to the Grand Jury of said county at its next regular term any overseer who fails to discharge his duty as such.

Section 5. All persons over eighteen and under forty-five years of age are liable to work on the public roads in said county for ten days in each year, except such as are exempt under Section 5778 of the Code of 1907, and all provisions of the general law of the State of Alabama with reference to the public roads and as to working same, and to exemptions from road duty and manner of obtaining exemptions, and all other provisions as to public roads, shall be applicable to the working of the public roads in said county, except where same is in conflict with the provisions of this act.

Section 6. That any person liable to road duty may be exempt from work, by himself or substitute, by paying to the Supervisor of his District or the overseer of the road to which he is apportioned, on or before the 1st day of February of the current year for which he is liable to road duty, the sum of five dollars, which shall exempt him from road work for the year. The Board of Public Road and Bridge Commissioners of said county shall cause to be printed receipt books, with stubs, and furnish each Supervisor and overseer with a sufficient supply of such books and when and as often as any person liable to road duty pays an overseer or Supervisor in lieu of working, such overseer or Supervisor shall give such person a receipt for the amount paid and shall number the stubs to correspond with the number of the receipts, and such stubs shall show the amount received and from whom. The overseer and Supervisor shall from time to time pay such money over to the Judge of Probate of said county, taking his receipt therefor. Whereupon it shall be the duty of the Judge of Probate to pay same to the county treasurer or other custodian of public funds of the county to be placed to the credit of the road fund of said county. All overseers and Supervisors shall on or before the 1st day of March of each year deliver to the Probate Judge all stubs of receipts for money collected from road hands. Any road overseer or Supervisor who converts any of such money to his own use or to the use of another, or who wilfully fails or refuses to account for the same as required by law, shall be guilty of embezzlement and shall be punished accordingly. The money collected from persons liable to road duty shall be devoted to maintaining and keeping in repair the public roads of the county to which the persons paying the same were apportioned.

Section 7. That any overseer who performs any work on the public roads of said county over and above the ten days required by law for such overseer to work, shall be paid such reasonable sum for his labor as may be fixed by the Board of Public Road and Bridge Commissioners of said county.

Section 8. The Court of County Commissioners of said county may transfer to the road fund of the county any surplus of the general funds of the county in the county treasury, or any part of said surplus, whenever in the judgment of said Court it will promote the interest of the county to make such transfer. Any surplus of general funds so transferred shall be used for the working of the public roads or the building of bridges or other improving the public roads as the said Board of Public Road and Bridge Commissioners may determine.

Section 9. All the jurisdiction, power and authority now conferred by the general laws of the State on the Court of County Commissioners or Boards of Revenue as to the public bridges and culverts in said county, is hereby conferred on said Board of Public Road and Bridge Commissioners.

Section 10. That the general laws of Alabama with reference to the mode of warning hands to work on the roads, with notice to be given, the kind of tools or implements to be brought by the hands, and also the general laws as to road defaulters and the punishment and prosecution of the same shall not be construed to be repealed by this act but the same shall be in full force and effect as to said county.

Section 11. That in addition to the authority conferred by the general laws of the State on the Courts of County Commissioners or Boards of Revenue for the adoption of rules and regulations for the working and maintaining of public roads and bridges, said Board of Public Road and Bridge Commissioners is hereby authorized and empowered to adopt such further and additional rules and regulations as in its judgment may be necessary to the proper working and to the proper construction and maintenance of the roads and bridges in said county.

Section 12. That any person, firm or corporation who diverts any surface water from its natural course and allows the same to flow into, over or on any public road in said county, or who shall throw up any obstruction or embankment on any land near to a public road so as to cause the water to flow into, or along said road, or who shall otherwise obstruct or injure any public road or bridge in said county, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than fifty dollars.

Section 13. That any person who owns land or who is in possession of land that abuts any public road in said county and in the cultivation of said land plows too near the edge of any road and thereby permits earth or debris to obstruct the flow of water in any ditch or drainage connected with said road, or any person who shall by any other manner obstruct any ditch along any public road to drain the same, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one dollar nor more than twenty

dollars, and said fine when paid shall be turned over to the road overseer on said road and spent in repairing the injury or damage done to said road.

Section 14. That the overseers of the public roads in said county shall have the power and authority to dismiss from service, any hand, whether working for himself, or as a hired hand, who shall fail or refuse to do good and sufficient work, or obey any reasonable orders, and any such person may be proceeded against as though he had failed or refused to obey the notice to work on the road for which he was warned.

Section 15. That the overseer shall preserve carefully all the tools and implements for working on the road turned over to him at any time by the Board of Public Road and Bridge Commissioners of such county or by the supervisor of his district, and shall use same only to work on public roads and shall deliver the same to his successor or to the supervisor, taking his receipt therefor, or on the order of a Board of Public Road and Bridge Commissioners.

Section 16. That the said Board of Public Road and Bridge Commissioners may at any time remove any overseer of roads or road supervisor for neglect of duty, incompetency, drunkenness or any other reasonable cause; and in case of death, resignation or removal of any overseer or road supervisor, said Board shall have the power and authority at any time to fill the vacancy thereby caused. In the case of removal of any overseer or road supervisor or resignation, he shall become at once liable to road duty and his name added to the list of hands in his beat.

Section 17. That any overseer or road supervisor who fails to perform his duty as such under the provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars and not more than twenty-five dollars.

Section 18. That the Board of Public Road and Bridge Commissioners of said county shall have the exclusive control and management of public roads and bridges in said county and manner of working and maintaining new roads upon the same proceedings as are applicable under the general laws of the State of Alabama governing the same by the Courts of County Commissioners or Boards of Revenue, and shall by deed of easement obtain rights-of-way for public road purposes and shall have the right as provided under the general law as to condemnation proceedings for such purposes; but shall not have any jurisdiction over the establishment, granting or opening of private or settlement roads.

Section 19. That said Board of Public Road and Bridge Commissioners shall exercise the same jurisdiction, power and authority as to the construction and repair of the bridges in said county and as to letting same by contract, or otherwise, as is provided by the general law for the construction, repair and contracting of same by the Courts of County Commissioners or Boards of Revenue.

Section 20. That if any section or provision of this act shall be declared void or unconstitutional it shall not affect the validity or constitutionality of any other sections or provisions which is not in or of itself void or unconstitutional.

Section 21. That, except so far as the same may be in conflict with this Act, the general laws now in force in this State with reference to public roads and highways shall be in force in said county; and that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby expressly repealed so far as they may apply to said county.

Section 22. That all laws and parts of laws, general or local, in conflict with this act, be and the same are hereby repealed.

Section 23. That this act shall take effect upon approval by the Governor.

Approved February 16, 1931.

No. 40.) (S. 69. Teasley.

AN ACT

To authorize and empower the Courts of County Commissioners, Boards of Revenue and other Courts of like jurisdiction in all Counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken, in their discretion to donate annually out of the general fund in their respective counties, a sum of not exceeding $6,000.00 per annum to the support of the local Chapter of the American Red Cross in said Counties. Said amount to be paid by warrant drawn on the County Treasury by said Courts or Boards; And to ratify any and all donations heretofore made by any of the said Courts or Boards to the said American Red Cross.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Courts of County Commissioners, Boards of Revenue and other courts of like jurisdiction in all counties in this State which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken, are hereby authorized and empowered in their discretion to donate annually out of the general fund in their respective counties, a sum of not exceeding $6,000.00 per annum to the support of the local chapter of the American Red Cross in said counties. Said amounts to be paid by warrant drawn on the County treasury by said courts or boards.

Section 2. That any donations heretofore made by the said courts or boards to any local American Red Cross in said counties, are hereby ratified and confirmed.

Section 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 16, 1931.

No. 42.) (S. 23. Riddle.

AN ACT

For the relief of H. L. McElderry as treasurer of the Alabama Institute for Deaf and Blind and to validate certain payments made by such treasurer to F. H. Manning as salary as an officer of said Alabama Institute for Deaf and Blind.

Section 1. WHEREAS, on May 14, 1928 the Board of Trustees of Alabama Institute for Deaf and Blind duly passed and adopted a resolution fixing the salary of F. H. Manning as superintendent emeritus of said school beginning July 1, 1929 at $1800.00 per year, and, whereas, under authority of said resolution on the written orders of the principal of said school countersigned by the secretary and recorded in the minutes or records of the proceedings of said Board kept by such secretary the said H. L. McElderry as treasurer aforesaid paid to said F. H. Manning as such salary out of the funds in his hands as such treasurer $2100.00, and, whereas on account of the wording of the said resolution same has been held by the Attorney General to be illegal and invalid and said treasurer will be denied credit for the same in his accounts as such treasurer. Therefore

Be it Enacted by the Legislature of Alabama:

That the payment to the said F. H. Manning by said treasurer of said sum of $2100.00 as aforesaid be and the same is in all things validated and made legal and that the said H. L. McElderry as such treasurer be given credit in said accounts for the sum of $2100.00 so paid to the said F. H. Manning as aforesaid.

Approved February 16, 1931.

No. 45.) (H. 26 Robinson.

AN ACT

To regulate appeals by and in behalf of Counties in this State, having according to the last or any subsequent federal census two hundred thousand inhabitants or more.

Be it Enacted by the Legislature of Alabama:

Section 1. That from and after the approval of this Act, it shall not be necessary for any county in this State having, according to the last or any subsequent Federal Census, Two Hundred Thousand (200,000) inhabitants, or more, to execute an appeal bond or supersedeas bond or dissolution bond, in order to take an appeal in any case in which such county is a party and supersede the judgment, decree or other writ from which appeal is taken.

Section 2. That in all cases in which such a county desires to take an appeal to another court to which appeals are allowable, the same may be effected by filing in the trial court a statement by the Attorney of Record for such county that "the county takes an appeal to the _____ Court" designating in the blank space the name and style of the court to which the appeal is taken and when such statement is signed and filed by said Attorney of Record in the trial court within the time allowed by law for taking an appeal in such cause, then the same shall have the effect in that regard in all respects as if a good and sufficient appeal bond had been filed and approved and shall have the effect to supersede any such judgment, decree, writ, or order, as fully and in all respects as if a good and sufficient supersedeas bond had been filed.

Approved February 20, 1931.

No. 46) (H. 27. Robinson

AN ACT

To amend Section 6784 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

That Section 6784 of the Code of Alabama be amended so as to read as follows: Warrants issued under the provisions of the two preceding sections may run for a time not exceeding five (5) years and may bear interest at a rate not to exceed six per cent (6%) per annum, provided, however, that counties having a population of Two Hundred Thousand (200,000) or more, according to the last or any subsequent Federal Census, may issue refunding warrants which may run for a time not exceeding fifteen (15) years and which may bear interest at a rate not to exceed six per cent (6%) per annum. Said interest shall be paid annually or semi-annually and may be evidenced by coupons attached to said warrants, or otherwise, in the discretion of the Court of County Commissioners or other governing body of said county.

Approved February 20, 1931.

No. 47) (H. 70. St. John

AN ACT

To establish Jury Boards in the several counties of this state, to fix the membership of said Boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of

jurors, for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards.

Be it Enacted by the Legislature of Alabama:

Section 1. That a Jury Board be and the same is hereby established in every county in this state.

Section 2. That each of said Jury Boards shall be composed of three members who shall be qualified electors of the county in which they are appointed and shall be men reputed for their fairness, impartiality, integrity and good judgment. Members of the Board shall not during the term for which they are appointed and during their tenure in said office hold any other office by appointment or election or perform any other public duty under the federal state, county or municipal government, which carries with it any compensation whatsoever.

Section 3. That within ninety days after the passage and approval of this Act the Governor shall appoint the members of each Jury Board whose terms of office shall be as follows and until their successors are appointed and qualified: One member shall hold office until the first Monday after the second Tuesday in January, 1932; one member shall hold office until the same day in 1933; one member shall hold office until the same day in 1934. The Governor in making such appointments shall designate the terms to be held by each appointee respectively; and upon the expiration of each of these terms, the Governor shall appoint successors who shall hold office for three years from the expiration of the term of office of their respective predecessors.

Section 4. The members of the Jury Board shall elect one of their number President of the Board. Any two members of the Board shall be a quorum for the transaction of business. Every member of the Board before entering upon the discharge of his duties must take the oath of office prescribed by Section 279 of the Constitution and must be commissioned by the Governor.

Section 5. Each member of the Jury Board shall be paid the sum of Five Dollars ($5.00) per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the probate judge of the county. Such warrants are to be issued by such probate judge upon evidence satisfactory to him that such service has been rendered; but the compensation of each member of the Board shall not exceed for any year of his term the following amounts, viz: In counties of twenty-five thousand population or less One Hundred Dollars ($100.00); in counties exceeding twenty-five thousand and not exceeding fifty thousand population Two Hundred Dollars ($200.00); in counties exceeding fifty thousand and not exceeding seventy-five thousand population Three Hundred Dollars ($300.00); and in

counties exceeding seventy-five thousand population Six Hundred Dollars ($600.00); the population of said respective counties to be determined by the last preceding federal census.

Section 6. In the event that two of the Jury Board are absent from the state, sick, or for any reason cannot discharge the duties imposed upon them by this article, then the other member of the Board shall notify any judge of a court of record residing in the county to appear and take the place of the absent members, and in such case one judge and one member shall constitute a quorum. If no such judge is present or able to serve, the other member must immediately notify the Governor, who shall appoint competent persons to act as members of the Board until the regular members are present and able to discharge their duties.

Section 7. Should any member of the Board become disqualified under the provisions of this Act, the fact of such disqualification and the ground of reason therefor shall be certified to the Governor by the judge of the circuit court of the county, or in counties in which there is no circuit court by the judge of a court having the jurisdiction of a circuit court, and when so certified, his office shall become vacant, and the Governor shall appoint his successor to fill out the unexpired term. In case of any vacancy from any other cause in the office of a member of the Board the Governor shall appoint a member to fill such vacancy who shall hold office for the unexpired term.

Section 8. In counties having seventy-five thousand population or less by the last federal census preceding the employment, the clerk of the circuit court may be employed as the clerk of the Jury Board and in such counties the clerk of the Jury Board whether he be the clerk of the court or not, shall be paid for his services rendered under the direction of the Jury Board the sum of Five Dollars ($5.00) per day while actually engaged in performing his duties, to be paid out of the county treasury upon the order of the President of the Jury Board. In counties having more than seventy-five thousand and less than two hundred thousand population according to the last or any subsequent federal census, the Board shall employ a clerk who shall hold no other office during the term of his employment and who shall be paid for his services rendered under the direction of the Jury Board, the sum of Five Dollars ($5.00) per day while actually engaged in performing his duties, to be paid out of the county treasury upon the order of the President of the Jury Board. In counties having more than two hundred thousand population according to the last or any subsequent federal census, the Jury Board in any such county shall have authority to employ such clerical assistance as such Board deems necessary and proper, and may expend for such clerical assistance in compensation and in paying their reasonable and necessary expenses in performing the duties of their employment a sum not to exceed

Four Hundred and Fifty Dollars ($450.00) per month to be paid out of the county treasury upon the order of the President of the Jury Board.

Section 9. Every clerk of a Jury Board before entering upon the discharge of his duties under this Act, must take and subscribe the oath of office prescribed by Section 279 of the Constitution and file the same for record in the probate office of the county.

Section 10. Any member of a Jury Board or clerk thereof who neglects to perform any duty imposed upon him by this Act, or any person who being duly summoned to attend before the Jury Board wilfully fails to do so, or attending refuses to testify, is guilty of a misdemeanor.

Section 11. The clerk of the Jury Board shall, under the direction of the Jury Board, obtain the name of every male citizen of the county over twenty-one and under sixty-five years of age and their occupation, place of residence and place of business, and shall perform all such other duties required of him by law under the direction of the Jury Board.

Section 12. The clerk of the Jury Board must give such time to the performance of his duties as may be required by the Jury Board, but shall not be paid for Sundays. The Jury Board may at any time discharge any clerk employed by it and employ another.

Section 13. The Jury Board shall meet in the court house at the county seat of the several counties as soon after the approval of this Act as is practicable and thereafter on the first Monday in October in each year, and shall make in a well bound book a roll containing the name of every male citizen living in the county who possesses the qualifications herein prescribed and who is not exempted by law from serving on juries. The roll shall be arranged alphabetically and by precincts in their numerical order and the Jury Board shall cause to be written on the roll opposite every name placed thereon the occupation, residence and place of business of every person selected, and if the residence has a street number it must be given. Upon the completion of the roll the Jury Board shall cause to be prepared plain white cards all of the same size and texture and shall have written or printed on the cards the name, occupation, place of residence and place of business of the person whose name has been placed on the jury roll; writing or printing but one person's name, occupation, place of residence and of business on one card. These cards shall be placed in a substantial metal box provided with a lock and two keys which box shall be kept in a safe or vault in the office of the probate judge and if there be none in that office, the Jury Board shall deposit it in any safe or vault in the court house to be designated on the minutes of the Board, and one of said keys thereof shall be kept by the President of the Jury Board. The other of said keys shall be kept by a judge of a court of record having juries other than the probate or circuit court and in

counties having no such court then by the judge of the circuit court for the sole use of the judges of the courts of said county needing jurors. The jury roll shall be kept securely and for the use of the Jury Board exclusively. It shall not be inspected by any one except the members of the Board or by the Clerk of the Board upon the authority of the Board, unless under an order of the judge of the circuit or other court of record having jurisdiction.

Section 14. The Jury Board shall place on the jury roll and in the jury box the names of all male citizens of the county who are generally reputed to be honest and intelligent men and are esteemed in the community for their integrity, good character and sound judgment; but no person must be selected who is under twenty-one or over sixty-five years of age or who is an habitual drunkard, or who, being afflicted with a permanent disease or physical weakness is unfit to discharge the duties of a juror; or cannot read English or who has ever been convicted of any offense involving moral turpitude. If a person cannot read English and has all the other qualifications prescribed herein and is a free holder or householder his name may be placed on the jury roll and in the jury box.

Section 15. The Jury Board in each of the counties of this state shall meet as soon after the approval of this Act as is practicable and empty the jury boxes in their respective counties and from the new jury roll prepared as herein prescribed refill such jury boxes. Provided however that the provisions of this Section (15) shall not apply to those counties in the State having a population of Three Hundred Thousand (300,000) or more according to the latest Federal Census, and in which the Jury box or boxes have been filled by the Jury Commission within twelve (12) months preceding the approval of this Bill.

Section 16. Whenever the names in the jury box are exhausted or so far depleted that they will probably be exhausted at the next drawing of jurors, the Jury Board must proceed to make and certify a new roll and deposit the names in the box in all respects as provided in this Act, and for this purpose the Jury Board must meet whenever it is necessary and refill the jury box.

Section 17. The Jury Board is charged with the duty of seeing that the name of every person possessing the qualifications prescribed by this Act to serve as a juror and not exempted by law from jury duty, is placed on the jury roll and in the jury box, and they may summon and cause to attend before them any person residing within the county and examine him on oath touching the name, residence, occupation and qualification of any person residing in the county. The Jury Board must not allow initials only to be used for a juror's name but one full Christian name or given name shall in every case be used and in case there are two or more persons of the same or similar name, the name by which he is commonly distinguished from the other persons of the same or similar

name shall also be entered as well as his true name. The Jury Board shall require the clerk of the Board to scan the registration lists, the lists returned to the tax assessor, any city directories, telephone directories, and any and every other source of information from which he may obtain information, and to visit every precinct at least once a year to enable the Jury Board to properly perform the duties required of it by this Act.

Section 18. Whenever it shall appear to the judge of the circuit court or court of like jurisdiction that the jury box is so nearly exhausted as to require refilling, he shall notify the President of the Jury Board, whereupon the Jury Board shall proceed to refill the box as herein provided.

Section 19. Whenever a court requiring grand and petit juries, or petit juries, is established for and held in a territorial subdivision of the county, the Jury Board shall make and keep a separate roll and make a separate box for that court and territorial subdivision, on which roll and in which box only the names of jurors residing in that territory shall be placed, which box shall be kept by the clerk of said court and the key thereof by the judge of said court, and all jurors for that court shall be drawn by the judge of said court as provided in this Act from the separate jury box provided under this section, and shall be summoned as provided by law for summoning jurors otherwise drawn. The names of jurors whose names are required to be placed on the roll and in the box in this section provided for, shall not be placed on any other roll nor in any other box nor shall any such person be authorized or required to serve as a juror in any court outside of said territorial subdivision. If there is more than one court requiring grand and petit juries, or petit juries, established for and held in such territorial subdivision of the county, all of such courts shall procure their juries from the box in this section provided for, and this section is intended to apply to any division of a court that is held in such territorial subdivision, including the probate court. It is not the object or effect of this Section to repeal or affect any local law.

Section 20. The judge of probate of every county shall, upon the request of the President of the Board, purchase the necessary books in which to keep the jury rolls and the record of the proceedings, and the necessary cards, stationery, and things of all kinds required by the Board, and shall draw his warrant on the county treasury for the payment of the same.

Section 21. The clerks of the several courts in which juries are empaneled shall, from time to time as the juries are empaneled, certify to the Jury Board the names of all persons so empaneled, and the clerk of the Board, under the direction of the Board shall note opposite the names of such persons on the jury roll the date on which and the court in which they were empaneled.

Section 22. The clerks of the several courts shall also certify to the Jury Board the names of all persons who have been found by the court to be disqualified or exempt, which fact shall be noted opposite their respective names on the jury roll.

Section 23. Whenever it appears to the court that a person's name has been placed upon a jury roll, who did not, at the time he was enrolled, possess the qualifications required by law, the court may in its discretion, upon excusing the person from service, tax the cost of summoning the person and of his attendance and excusing him against the clerk of the Board, or against any one or more of the members.

Section 24. Any authority, right, power and duty heretofore imposed by law on the Jury Commission or the clerk thereof and which is not by this Act specifically repealed, shall hereafter be exercised or performed by the Jury Board or the clerk thereof, respectively.

Section 25. That all laws, general, local or special in conflict with any of the provisions of this Act be and the same are hereby repealed, it being the intent of the Legislature that the subjects covered by this Act be the exclusive law on such subjects.

Section 26. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved February 20, 1931.

No. 48) (H. 108. Goodwyn.

AN ACT

To authorize and empower Boards of Revenue in Counties having a population of not less than 75,000 and not more than 100,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County Funds not exceeding $6,000.00 per annum for county purposes not otherwise provided for by law.

Be it Enacted by the Legislature of Alabama as follows:

Section 1. That Boards of Revenue in counties in this State having a population of not less than 75,000 and not more than 100,000 according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, are hereby authorized to appropriate out of any moneys in the county treasury not otherwise appropriated and to expend not exceeding the sum of $6,000.00 per annum for any county purposes not otherwise provided for by law that in their judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "Contingent Fund."

Section 2. That $1,000.00 of the funds herein appropriated per annum shall be paid over to the representative of the State Tax

Commission having charge of the equalization and adjustment of taxes on property situated in Montgomery County, for ex-officio services and expenses of maintaining his office in said county. Said $1,000.00 per annum to be paid over to the said representative of the State Tax Commission in monthly installments and disbursed by him.

Section 3. That, under the provisions of Section 1 not more than $6,000.00 shall be appropriated and expended in any one year and should any sum or sums remain unexpended in said fund at the end of the year only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the Contingent Fund up to the sum of $6,000.00.

Approved February 20, 1931.

No. 49.) (S. 25. Powell.

AN ACT

To provide for the closing and vacating of streets, alleys and other highways.

Be it Enacted by the Legislature of Alabama:

Section 1. That streets, alleys and other highways or portions thereof may be closed and vacated upon the application of the municipality in which they are situated and where not situated in a municipality, upon the application of the county in which they are situated in the manner provided for in this Act.

Section 2. The governing body of the municipality where the street, alley, or highway or portion thereof to be closed and vacated is situated in a municipality, and in other cases, the governing body of the county, in which the street, alley, highway or portion thereof is situated, shall after causing to be published in a newspaper once a week for three consecutive weeks in the county, a notice which shall describe the street, alley, highway or portion thereof proposed to be closed and vacated and also give the date of the hearing, first adopt a resolution to the effect that it is in the public interest that such street, alley, highway or portion thereof be closed and vacated; and thereafter such governing body may file in the office of the Judge of Probate in the county in which such street, alley, or highway, or portion thereof is located, its petition praying the closing and vacating of such street, alley, or highway, or such portion thereof. The petition shall describe with accuracy the street, alley, or highway, or portion thereof, to be closed and vacated and shall give the names of the owner or owners of the abutting lots or parcels of land; and also the owner or owners of such other lots or parcels of land, if any, which will be cut off from access thereby over some other reasonable and convenient way. The petition shall further set

forth that it is in the interest of the public that such street, alley, or highway or portion thereof, be closed and vacated, and that a resolution to that effect has been adopted by the governing body of the municipality or county, as herein before set forth. Thereupon the Probate Court shall set the petition for hearing and shall issue notice of the pendency of the petition to the persons named in the petition. Such notice shall be served upon the said abutting owner or owners, and also the person or persons, if any, named in the petition whose access will be effected, resident in this State as civil process is now served, not less than ten days prior to the hearing of the petition. In case of non-resident owner or owners or parties in interest, or unknown defendants, the Probate Court shall cause to be published in a newspaper published in the County said notice, which shall contain the nature of the petition and in which shall be described the street, alley or highway, or portion thereof, proposed to be closed and vacated, and all such persons shall be required to appear upon the hearing thereof and to either assent to the granting of the petition or contest the same as they may see fit. Such notice shall be published once a week for three consecutive weeks prior to the date set for the hearing of the petition and shall give the date on which the hearing is to be had.

Section 3. Upon the hearing of the petition, any person or persons owning lands, or any interest therein, which abut on such street, alley or highway, or any portion thereof; and also the owner or owners of such other lots or parcels of land which will by the proposed closing and vacating be cut off from access thereby over some other reasonable and convenient way, may appear and assent in writing to the granting of the petition, or contest the same or suffer the same to be taken in default against him or them; but the resolution of the municipality or county that it is to the public interest that such street, alley, or highway or portion thereof, be closed and vacated shall be prima facie to that effect. If upon the hearing the Court shall deny the petition, it shall so order and dismiss the petition. If, on the other hand, the Court upon the hearing shall grant the petition, it shall so order, and thereupon it shall appoint three commissioners who shall be residents of the county or municipality in which the property is located and free holders to assess the damages of the owner or owners of the abutting lands which will result from the closing and vacating of the street, alley or highway, or portion thereof; and also the owner or owners, if any, of such other lots or parcels of land which will be cut off from access thereby over some other reasonable and convenient way, who fail to assent to the granting of the petition. Such commissioners shall be duly sworn by the Probate Judge faithfully to discharge their duties and shall view the lands and hear any evidence which the parties may offer bearing on the damages which will result by such closing or vacating. The commissioners shall submit their

report in writing within ten days after qualification, which report shall assess the damages of the respective non-assenting land-owners and shall describe the several tracts as to which such damages are assessed. The commissioners shall each receive $3.00 per day for their services to be taxed as part of the cost of the proceeding.

Section 4. Upon the coming in of the report of the commissioners, the Probate Court shall cause the same to be recorded among its records and the petitioner may within thirty days after the making of such report, pay, or cause to be paid, the cost of the proceeding and the damages assessed by the commissioners and upon such payment, the street, alley, or highway, or portion thereof, ordered to be closed and vacated, shall be closed and vacated and all interest of the public therein shall cease and determine.

Section 5. Either the petitioner or any contesting landowner may appeal within thirty days from the order of the Probate Court closing and vacating the street to the Circuit Court of the county in which the lands are situated and upon such appeal, the proceeding shall be tried de novo, either party having the right to demand trial by jury when and as such demand is authorized in actions at law in such court. In case the appeal is taken by any land-owner, the appeal shall not suspend the effect of the proceeding in the Probate Court if the petitioner shall pay into the Probate Court the damages assessed to such land-owner, together with the cost of the proceeding, and shall give bond in double the amount of such assessment, with sureties to be approved by the Probate Judge, conditioned upon paying such damages as may be assessed to such land-owner upon appeal. From the judgment of the Circuit Court, an appeal may be taken within thirty days by either party to the Supreme Court in like manner as appeals are taken in actions at law.

Section 6. The provisions of this Act shall not be held to repeal any existing statute relating to the closing, changing or vacating of streets and highways, but shall be cumulative.

Approved February 18, 1931.

No. 50) (S. 8. Teasley

AN ACT

To fix the compensation or salaries and allowances to be paid to Sheriffs in all counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census or any such census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis and to regulate the payment of same, and to regulate the office of said sheriff, and to impose additional duties upon said sheriffs, and to provide for deputies and other assistance to said sheriffs and the selection and

appointment thereof and the manner of fixing their compensation and provide for paying the same, and to provide for the payment of premium of such sheriffs and deputies' bonds, and to authorize, empower and require the courts of county commissioners, Boards of Revenue or other courts of like jurisdiction to provide and furnish the said sheriffs with necessary quarters, books, stationery and other necessities and conveniences to the sheriffs of such counties and to provide for the payment of same.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this State, which now have, or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal census, or any such census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis, shall receive and be paid an annual salary of four thousand dollars net, in lieu of all other compensations, fees and emoluments except as otherwise provided in this Act and said sheriffs shall be allowed the sum of Twenty-five thousand Two Hundred dollars ($25,200.00) per annum for help and assistance as follows: one deputy at twenty-four hundred dollars per annum, Ten deputies at eighteen hundred dollars per annum, Twelve hundred dollars per annum for an attorney; and one guard for the county jail in said counties at Twenty-one hundred dollars per annum, one guard for the county jail in said counties at Fifteen hundred dollars per annum, and in addition to the above allowance the sheriffs of such counties shall be allowed from the passage and approval of this Act the further sum of Two Thousand five hundred dollars per annum for other expenses and ex-officio services of said sheriff and for his personal attendance upon each session of the Juvenile Court or court of like jurisdiction in such counties, which attendance is hereby made obligatory upon said sheriff. The said Two Thousand five hundred dollars to be paid to the said sheriffs in equal monthly installments, out of the general fund of said counties, the selection and appointment of said deputies, guards and attorney shall be made by said sheriffs of said counties. That sheriffs of such counties shall not be allowed any additional sum for deputies, other than herein provided in this Act.

Section 2. That in the event the bond of the sheriffs or any deputies in such counties shall be executed by a guaranty, surety, or bonding company, as surety, the amount of the annual premium to be paid to such company in consideration of such suretyship shall be paid by such counties out of the general funds of such counties.

Section 3. That in all such counties, the Courts or County Commissioners, Boards of Revenue and courts of like jurisdiction are hereby authorized, empowered and required to provide the sheriffs in such counties with necessary quarters, books, stationery and other necessities and conveniences and pay for the same out of the general fund of such counties.

Section 4. That all compensation and salaries of said sheriffs mentioned in Section One of this Act and all allowances for deputies and other assistance shall be paid out of the general fund of the several counties effected in monthly installments.

Section 5. That all of said sheriffs shall pay into the County treasury of said counties, all costs, charges of courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said sheriffs as other money belonging to said counties are paid. The courts of county commissioners, Boards of Revenue and other Courts of like jurisdiction shall have the power and authority, and it shall be their duty to audit the accounts of said sheriffs for the purpose of requiring a strict compliance with the provisions of this Act.

Section 6. That all laws, or parts of laws, general and local, in conflict with the provisions of this Act, be and the same are hereby expressly repealed.

Section 7. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not effect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 8. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved February 20, 1931.

No. 52.) (S. 26. Teasley

AN ACT

To amend An Act entitled "An Act to amend Section 6717 of the Code of Alabama, 1923" Approved August 26th, 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Act to amend Section 6717 of the Code of Alabama, 1923, approved August 26th, 1927, (Acts 1927, page 440-1) be and the same is hereby amended so as to read as follows: 6717 (3265) (926) (663) (760) (642) COMPENSATION TO SUCH BAILIFFS. Bailiffs actually serving in court shall receive three dollars a day for every day they serve, to be paid out of the county treasury on the certificate of the presiding judge showing that his service was necessary. In circuits composed of one county having two circuit judges each judge of said courts shall have the power and authority to appoint one bailiff, who shall receive a salary of $1800.00 per annum, payable in twelve equal monthly installments out of the treasury of the county constituting such circuit, upon warrant of the President of the Board of Revenue. Said bailiffs

while not engaged as such, shall be used by the Sheriff of the said counties as deputies and be under his direction and control while acting as such deputies. They shall execute bond as other deputies in such counties and the premiums on said bonds shall be paid by said counties. In circuits composed of one county having three circuit judges, each judge shall have the power and authority to appoint one bailiff, and the sheriff of such county shall have the power and authority to appoint two additional bailiffs. The bailiffs so appointed by the sheriff shall hold office at the will and pleasure of the Sheriff. Each bailiff appointed by a judge of such court shall hold office at the will and pleasure of the judge so appointing him. Each such bailiff shall in addition to the duties now imposed upon him be required to wait upon all grand juries while in session when directed by the Judge so appointing them, and each such bailiff shall receive a salary of $2400.00 per annum, payable in twelve equal monthly installments out of the treasury of the county constituting said circuit upon the warrant of the President of the Board of Revenue, and each bailiff so appointed by the sheriff of such county shall in addition to the duties now imposed upon him, be required to serve process issued out of said courts under the direction of the sheriff, and may serve as deputy sheriff while not engaged in performing their duties as bailiffs, and shall receive a salary of $2400.00 per annum, payable in twelve equal monthly installments out of the treasury of the county constituting said circuit upon the warrant of the President of the Board of Revenue. The bailiffs appointed by the Judges under this section shall be in lieu of bailiffs for said courts provided for under Section 6716 of the Code of Alabama. Nothing in this section or the preceding section shall apply to circuits having five or more judges.

Section 2. All laws and parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage.

Approved February 20, 1931.

No. 53) (S. 124. McDowell.

AN ACT

To authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective houses, and to fix the expense allowance to the President Pro-Tem of the Senate.

Be it Enacted by the Legislature of Alabama:

Section 1. That the per diem of the subordinate officers and employees of the Senate shall be fixed by resolution of the Senate.

That the per diem of the subordinate officers and employees of the House shall be fixed by resolution of the House.

Section 2. The President Pro-Tem of the Senate is hereby allowed two dollars per day for expenses in addition to that now provided by an Act "To provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature," approved January 28th, 1927.

Section 3. The provisions of this Act shall apply to the regular session of the Legislature of 1931, beginning January 13th, 1931, and all subsequent sessions of the Legislature of Alabama, provided, however, that the provisions of this Act shall apply to the President Pro-Tem of the Senate and the subordinate officers and clerks performing their respective duties and shall entitle them to the compensation so fixed from January 13th, 1931.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved February 20, 1931.

No. 54) (H. 222. St. John.

AN ACT

To amend Section 42 and Section 43 of an Act, entitled: "An Act in reference to and to further provide for the general revenue of the State of Alabama," (Approved July 22, 1927).

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 42 of an Act entitled, "An Act in reference to and to further provide for the general revenue of the State of Alabama," (Approved July 22, 1927), be and the same is hereby amended so as to read as follows: Section 42. CORPORATION PERMIT.—Every foreign or non-resident corporation, and all corporations organized under or by authority of the laws of any State or government other than the State of Alabama, in addition to other license and privilege taxes required to be paid by law, and for the purpose of registration and to prevent the duplication of names and in order to secure for the public record, for taxation, and for other purposes, the names and addresses of the said corporations and individual officers thereof, shall be required to procure from the State Tax Commissioner when it is admitted or authorized by law to do business, and annually thereafter, a permit, which permit shall be prepared by and countersigned by the State Auditor, and shall be delivered by the State Auditor to the State Tax Commissioner in a well bound book with the stub and blanks therein showing the date thereof, the names of the corporations when issued, and the character of business engaged in by said corporation. The issuance of such permit to any such corporation shall be prima facie evidence of its having complied with all the laws required of it be-

fore engaging in business in this State. For all such permits said corporation shall, upon admission and when authorized to do business as a corporation, and annually thereafter, on or before the first day of February of every year pay to the State Tax Commissioner a fee of Five Dollars ($5.00) per annum, or for a part of a year, if the capital employed in this State of such corporation is less than One Thousand Dollars; if capital employed is One Thousand Dollars, and not over Ten Thousand Dollars, it shall pay the sum of Ten Dollars ($10.00) if the capital employed in this State is in excess of Ten Thousand but not in excess of Twenty-Five Thousand Dollars, a fee of Twenty Dollars ($20.00) shall be paid; if the capital employed in this State is in excess of Twenty-five Thousand Dollars and not in excess of Fifty Thousand, the fee shall be Fifty Dollars ($50.00); if the capital employed in the State is in excess of Fifty Thousand Dollars, the fee shall be One Hundred Dollars ($100.00). The State Tax Commissioner shall keep a full and complete account of all moneys received by him for and on account of such permit, and shall pay the same into the State Treasury as all other moneys collected or received by him are paid into the State Treasury. No corporation, its agents, officers or servants shall transact any business for or in the name of such corporation within the State of Alabama without having first procured said permit, and all contracts, engagements or undertakings or agreements with, by or to such corporations made without obtaining such permit, shall be null and void. Application for said permit shall be made by said Corporations as provided by law, giving the name and address of said Corporation, its principal place of business where organized, its principal place of business in Alabama; its agent upon whom process can be served, his address and the names of the President and Secretary of said Corporation. The Secretary of State immediately after the approval of this Act by the Governor, shall deliver to the State Tax Commissioner all money, checks, drafts, and like instruments received by him, and all books, records and supplies kept or used by him under the provisions of this Section.

Section 2. That Section 43 of said Act be and the same is hereby amended so as to read as follows: Section 43. CORPORATION PERMIT.—Every Domestic Corporation organized under or by authority of the laws of the State of Alabama, in addition to other license and privilege taxes required to be paid by law, and for the purpose of registration and to prevent the duplication of names and in order to secure for the public record, for taxation, and for other purposes, the names and addresses of the said corporations and individual officers thereof, shall be required to procure from the State Tax Commissioner when it is authorized by law to do business, and annually thereafter, a permit, which permit shall be prepared by and countersigned by the State Auditor, and shall be delivered by the State Auditor to the State Tax Commissioner in a

well bound book with the stub and blanks therein showing the date thereof, the names of the corporations and when issued, and the character of business engaged in by said corporation. The issuance of such permit to any such corporation shall be prima facie evidence of its having complied with all the laws required of it before engaging in business in this State. For all such permits said corporation shall, when authorized to do business as a corporation, and annually thereafter, on or before the first day of February of every year, pay to the State Tax Commissioner a fee of Ten Dollars ($10.00) per annum, or for a part of a year, if the paid capital stock of such corporation is less than Twenty-five Thousand Dollars; if more than Twenty-five Thousand, and not over Fifty Thousand Dollars, it shall pay the sum of Twenty Dollars ($20.00); if the paid capital stock is in excess of Fifty Thousand, but not in excess of One Hundred Thousand Dollars, a fee of Thirty Dollars ($30.00) shall be paid; if the paid capital stock is in excess of One Hundred Thousand Dollars and not in excess of One Hundred and Fifty Thousand, the fee shall be Fifty Dollars ($50.00); if the paid capital stock is in excess of One Hundred Fifty Thousand Dollars, the fee shall be One Hundred Dollars ($100.00). The State Tax Commissioner shall keep a full and complete account of all moneys received by him for and on account of such permit, and shall pay the same into the State Treasury as all other moneys collected or received by him are paid into the State Treasury. If any corporation fails or refuses to take out the permit herein provided for within thirty days after the first day of January such corporation shall be required to pay a penalty of Five Dollars ($5.00) per day for each day's delinquency; provided further, that, for good cause, the State Tax Commission may relieve any domestic corporation of all or any part of the penalty imposed herein. Application for said permit shall be made by said Corporation as provided by law, giving the name and address of said corporation its principal place of business where organized, its principal place of business in Alabama; its agent upon whom process can be served, his address and the names of the President and Secretary of said corporation. The Secretary of State immediately after the approval of this Act, by the Governor, shall deliver to the State Tax Commissioner all money, checks, drafts and like instruments received by him, and all books, records, files, office equipment, and supplies kept by him or used by him for the purpose of carrying out the provisions of this Act.

Approved February 21, 1931.

No. 55.) (H. 39. Davis of Pickens.

AN ACT

To amend Sections 8440, 8441, 8443, 8445 and 8503 of the Code of Alabama and Repealing Sections 8446 of the Code and Repealing All Laws in Conflict Therewith.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 8440 of the Code of Alabama be amended so as to read as follows: Section 8440. Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known, into which members are elected, initiated and admitted in accordance with its constitution, laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such society to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system, and providing members may be admitted within twelve months from date of issuance of certificate according to the rules and regulations of the Society.

Section 2. That Section 8441 of the Code of Alabama be amended so as to read as follows: Section 8441. Representative form of government defined. Any society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws; provided, that the elective members shall constitute a majority in number and not less than the number of votes required to amend its constitution and laws; and provided further, that the meetings of the supreme or governing body, and the election of officers, representatives or delegates shall be held as often as once in four calendar years. No member under age sixteen shall have voice or vote in the management of the society. No member, officer, representatives or delegate shall vote by proxy.

Section 3. That Section 8443 of the Code of Alabama be amended so as to read as follows: Section 8443. BENEFITS. Subsection 1. Every society transacting business under this Act shall provide for the payments of benefits upon the death of its members either within a term of years or at any time, and may provide for benefits payable upon its members reaching seventy years of age, and may also provide for the payment of benefits in case of total and permanent disability and may provide also for the payment of benefits in the event of temporary disability and for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits. Subsection 2. Any so-

ciety may issue certificate for the payment of sick, death, annuity, or other benefits upon the lives of children up to the age of sixteen (16), provided certificates issued at age of five and over shall have level death benefits equivalent to the face of the certificate and certificates issued at ages under five have graded death benefits not to exceed the sum specified in the following table, the ages therein specified being ages at time of death: Up to the age of one (1): For the first year $100.00, second year $200.00, third year $400.00, fourth year $600.00, fifth year $800.00, sixth year $1,000.00. Between the ages of one and two: First year $200.00, second year $400.00, third year $600.00, fourth year $800.00, fifth year $1,000.00. Between the ages of two and three: First year $400.00, second year $600.00, third year $800.00, fourth year $1,000.00. Between the ages of three and four: First year $600.00, second year $800.00, third year $1,000.00. Between the ages of four and five: First year $800.00, second year $1,000.00.

Section 4. That Section 8445 of the Code of Alabama be amended so as to read as follows: Section 8445. MEMBERS AND BENEFICIARIES.—Any person may be admitted to beneficial, or general, or social membership in any society in such manner and upon such showing of eligibility as the laws of the society may provide, and any beneficial member may direct any benefit to be paid to such person or persons, entity, or interest as may be permitted by the laws of the society; provided, that no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable in conformity with the provisions of the contract of membership, and the member shall have full right to change his beneficiary, or beneficiaries, in accordance with the laws, rules, and regulations of the society.

Section 5. That Section 8446 of the Code of Alabama be and the same is hereby repealed.

Section 6. Amend Section 8503 of the Code of Alabama of 1923 to read as follows: Section 8503. EXEMPTION OF CERTAIN SOCIETES, LODGES, ASSOCIATIONS, ETC.—Nothing contained in this article shall be construed to affect or apply to grand and subordinate lodges of masons, odd fellows, or Knights of Pythias, exclusive of the insurance department of the supreme lodge Knights of Pythias, and junior order of united American Mechanics, exclusive of the beneficiary degree or insurance branch of the National council junior order united American Mechanics, *or societies which admit to membership only persons engaged in one or more hazardous occupations in the same or similar line of business.* Nor to an association of local lodges of a society now doing business in this state, which provides death benefits not exceeding three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, nor to any contracts of reinsurance business on such plan

in this state, nor to domestic societies which limit their membership to employees of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent description, which do not provide for a death of more than one hundred dollars, or disability benefits of more than one hundred and fifty dollars to any one person in any one year; but any such domestic order or society which has more than five hundred members and provides for death or disability benefits, and any such domestic lodge, order or society which issues to any person a certificate providing for payments of benefits, shall not be exempt by the provisions of the section, but shall comply with all the requirements of this article. The commissioner of insurance may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this Article. No society, which is exempt by the provisions of this section from the requirements of this Article will give or allow or promise to give or allow, to any person any compensation for procuring new members.

Section 7. If any part, subdivision or section of this Act shall be deemed unconstitutional, the validity of its remaining provisions shall not be affected thereby. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved February 21, 1931.

No. 56.) (H. 73—Snodgrass.

AN ACT

To Provide For And Regulate And Control Primary Elections For The Nomination By Political Parties Of Candidates For Public Office Within The State Of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That a primary election, within the meaning of this Act, is an election held by the qualified voters, who are members of any political party, for the purpose of nominating a candidate or candidates for public or party office. Primary elections are not compulsory. A political party may, by its State Executive Committee, elect whether it will come under the primary election law. All political parties are presumed to have accepted and come under the provisions of the primary election law, but any political party may signify its election not to accept and come under the primary election law by filing with the Secretary of State, at least sixty days before the date herein fixed for the holding of any general primary election, a statement of the action of its State Executive Committee, certified by its Chairman and Secretary, which statement shall contain a copy of the resolution or motion adopted declining to

accept and come under the primary election law. If a political party declines to accept and come under the primary election law it shall not change its action and accept and come under the primary election law until after the next general election held thereafter. The State Executive Committee of a political party may determine from time to time what party officers shall be elected in the primary; provided, candidates for all party offices shall be elected under the provisions of this Act unless the method of their election is otherwise directed by the State Executive Committee of the party holding the election.

Section 2. An assemblage or organization of electors which, at the general election for State and County officers then next preceding the primary, cast more than Twenty per cent of the entire vote cast in any County is hereby declared to be a political party within the meaning of this Act within such County; and an assemblage or organization of electors which, at the general election for State officers then next preceding the primary, cast more than Twenty per cent of the entire vote cast in the State, is hereby declared to be a political party within the meaning of this Act for such State.

Section 3. In determining the total vote of a political party whenever required by this Act the test shall be the total vote cast by such political party for its candidates who received the greatest number of votes.

Section 4. All primary elections hereafter held by any political party in this State for the nomination of any State, National, district, circuit, county or municipal officers, shall be held and conducted under the provisions of this Act, and, except as herein modified, shall be held and conducted in the same manner and form, and under the same requirements, and subject to the same forfeitures, penalties and punishments, as are now or shall hereafter be provided by law for the holding of regular State elections, but nothing herein contained shall make it obligatory upon any political party or parties to hold a primary election.

Section 5. If any primary elections are held at the expense of the State or Counties, except special primary elections, they shall be held on the first Tuesday in May, 1932, and on the first Tuesday in May every Two years thereafter, and, when necessary, as hereinafter provided, a second primary shall be held on the second Tuesday in June next thereafter. The second primary election shall be held by the same election officers, who held the first primary election, and be held at the same places the first primary election was held. No primary shall be held by any political parties for the nomination of candidates except as herein provided. Primary elections herein provided for shall be held at the regular polling places established for the purpose of holding general elections.

Section 6. There may be provided a committee of each party for the State and each political subdivision of the State, including counties and municipalities, said Committees to be selected in such manner as may be provided for by the governing authority of each party, but if there shall not be elected or chosen any committee for any county or municipality, then all the powers which could be exercised by any such Committee shall be vested in the State Executive Committee, under such rules and regulations as the governing authority of the party may designate; provided, however, that should no committee be elected or chosen from any municipality in the State, then the Executive Committee of the county in which said municipality is located shall exercise the powers and perform the duties of the Executive Committee of such municipality. The State Executive Committee may provide for the selection of any such committee.

Section 7. That the officers and other expenses of any and all primary elections, general or special, held under the provisions of this Act shall be paid for in the same manner and to the same extent as is or may be provided by law for the payment of the expenses and officers of general elections held under the general election laws of Alabama, and to be paid out of the county treasury in the same manner; provided, however, that the cost of such primary elections held for municipalities or for the election of municipal officers or officials shall be paid for out of the treasury of such municipality.

Section 8. The Chairman of the State Executive Committee of the parties entering such primary election shall, at least forty days prior to the holding of the same, certify to the Secretary of the State of Alabama the names of all candidates running for State, National, circuit and district offices, State Senators and Members of the Legislature and all other candidates except candidates for county offices, and the Chairman of each County Executive Committee of the parties entering such primary election shall, at least forty days prior to the holding of the same, certify to the Probate Judge of the county the names of all candidates for County offices, and the Secretary of State shall, within not less than Thirty days prior to the time of holding such primary elections, certify to the Probate Judge of any county where an election is to be held for any particular office the names of the candidate for such office, and the Probate Judge of each County in Alabama shall in the manner and form hereinafter set forth prepare or have prepared all ballots voted in such primary election; provided, that the Probate Judge shall have said ballots so printed that the names of the opposing candidates for any National or State office to be voted for by the voters of more than one county shall, as far as practicable, alternate in position upon the ballots to the end that the name of each candidate shall occupy with reference to the name of every other candi-

date for the same office, first position, second position, and every other position, if any, upon an equal number of Ballots, and, when printed, said ballots shall be distributed impartially and without discrimination by the Probate Judge.

Section 9. The name of no candidate shall be printed upon any official ballot used at any primary election unless such person is legally qualified to hold the office for which he is a candidate, and unless he is eligible to vote in the primary election in which he seeks to be a candidate and possesses the political qualifications prescribed by the governing body of his political party.

Section 10. That when it shall be desired by the State Executive Committee or governing authority of any political party to enter the primary election ordered to be held under the provisions of this Act, said committee or governing authority for the State shall give public notice thereof by filing a copy of the Resolution of such governing body with the Secretary of State of Alabama. Such notice may be given to the Secretary of State by the Chairman of the County Executive Committee where the primary election affects only one county, and a copy of such notice shall be filed with the Probate Judge of such county.

Section 11. That all persons who are qualified electors under the general laws of the State of Alabama, and who are also members of a political party entitled to participate in such primary election, shall be entitled to vote therein and shall receive the official primary ballot of that political party, and no other; but every State Executive Committee of a party shall have the right, power and authority to fix and prescribe the political or other qualifications of its own members, and shall, in its own way, declare and determine who shall be entitled and qualified to vote in such primary election, or to be candidates therein, or to otherwise participate in such political parties and primaries; and the qualifications of electors entitled to vote in such primary election shall not necessarily be the same as the qualifications for electors entitled to become candidates therein; provided, that nothing herein contained shall be so construed as to prohibit any State Executive Committee of a party from fixing assessments or such other qualifications, as it may deem necessary, for persons desiring to become candidates for nomination to offices at a primary election, but such assessments shall not exceed two per cent of one year's emolument from all sources, of the office sought, and for an unremunerative or party county office it shall not exceed Five Dollars, or Twenty Five Dollars for an unremunerative or party office to be filled by the vote of a subdivision greater than one county, or One Hundred Dollars for an unremunerative or party office filled by the vote of the whole State.

Section 12. That any person desiring to submit his name to the voters in a primary election shall, not later than March 1st, next

preceding the holding of such primary election, file his declaration of candidacy in the form prescribed by the governing body of the party with the Chairman of the County Executive Committee if he be a candidate for a County office, and with the Chairman of the State Executive Committee, if he be a candidate for any office except a County office, and in like manner, and before March 1st, next preceding the holding of such primary election, pay any assessments that may be required to be paid by him.

Section 13. The officers for each election district or precinct in all primary elections held under the provisions of this Act shall be of the same number as required and designated by law to hold regular State elections, and their duties and responsibilities shall be the same as those of legally appointed and regularly qualified like officers of regular State Elections, and said officers shall be appointed by the same appointing board as officers to hold regular State elections are appointed. If more than one political party enters such primary the appointing board shall appoint from and for each political party election officers to conduct separately for each party said primary election. The election officers for each party shall conduct the election in the same room or other voting place. Only one returning officer for each voting place shall be appointed. The various candidates entering said primary at least fifteen days before such primary election may file with the County Executive Committee of his party lists of names suggested for officers for said primary election, and the County Executive Committee of his party, may make up from the list, or lists, so presented to it, a list of names of election officers, six in number for each district, ward, voting place or precinct, as nominees to the appointing board of the County, for appointment as officers to conduct the primary election, and present the list so made up by it to the appointing board of the County, and in appointing such officers the appointing board shall select the same as far as practicable from such lists. In the event the persons selected as officers fail to appear at the polling place by eight o'clock A.M. on the day of the primary election, then their places shall be filled by such of those who have been named by such appointing board as do appear; and in the event none so named appear by eight A.M. on said day, then the voters present qualified to participate in such primary election may, from among themselves, select officers to conduct such election in such district or precinct; and such substituted persons shall have the authority to conduct such election and to be paid for their services in the same manner as if they had been originally appointed. All officers, serving in such primary election shall take the same oath required to be taken by officers of regular State elections, which oath may be administered by any person authorized by law to administer oaths, or by any one of the Inspectors. The officers of all primary elections held under the provisions of

this Act shall have the same power and privileges as officers of regular State elections, and shall be subject to the same restrictions, limitations, penalties and conditions.

Section 14. Separate official ballots and other election stationery and supplies for each political party shall be printed and furnished for use at each election district or precinct, and shall be of a different color for each of the political parties participating in such primary election. All ballots for the same political party shall be alike, except as herein otherwise provided, printed in plain type, and upon paper so thick that the printing cannot be distinguished from the back. Across the top of the ballot shall be printed the words, "Official Primary Election Ballot." Beneath this heading shall be printed the year in which said election is held and the words "Democratic Party" or "Republican Party" or other proper party designation. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and in the proper place shall be printed the words, "Vote for one", or "Vote for two", (or more) according to the number to be elected to such office at the ensuing election. At the bottom of the ballot and after the name of the last candidate shall be printed the following, viz: "By casting this ballot I do pledge myself to abide by the result of this primary election and to aid and support all the nominees thereof in the ensuing general election." Should any voter scratch out, deface or in any way mutilate or change the pledge printed on the ballot, he shall not be considered or held to have repudiated or to have refused to take the pledge, but shall, conclusively, be presumed and held to have scratched out, defaced, or mutilated or changed same for the sole purpose of identifying his ballot; and accordingly such ballot shall be marked "Spoiled Ballot" and shall not be counted.

Section 15. Where more than one political party has entered such primary it shall be the duty of the sheriff to furnish to the election officers of each voting place separate ballot boxes for each party participating in such primary. Said boxes shall be distinctly marked and the ballots of electors of each party shall be deposited in the box assigned to and designated for that party. The returns, certificates, official list of voters, ballots, tally sheets, affidavits as to challenged voters; after the canvass of the votes, shall be deposited in the ballot box of the party to which they relate.

Section 16. The names of candidates for each office shall be printed, and except as to the order in which the several offices to be filled are stated and as to the arrangement of the names of the candidates for such several offices, as herein provided, the official ballots for primary elections shall be printed in substantially the following form:

Official Primary Election Ballot

1930

Democratic Party

Instructions: To vote for any candidate make a cross (X) in the square in the appropriate column, according to your choice.

()	For Governor Vote for One
()	William Jones
()	Charles Smith
()	John Williams
()	For United States Senator Vote for one
()	Frank Anderson
()	Joseph Brown
()	For Railroad Commissioner Vote for two
()	James Davis
()	Robert Johnson
()	Thomas Mitchell
()	Richard White
()	For Sheriff Vote for one
()	Benjamin Thompson
()	David Walker

By casting this ballot I do pledge myself to abide by the result of this primary election and to aid and support all the nominees thereof in the ensuing general election.

Section 16 A—Whenever and wherever two or more State Officers of the same name are to be nominated in said primary each of said places to be filled shall be designated by number, and each candidate for such offices in the announcement of his candidacy shall designate the number of the office for which he is a candidate; that the same person shall not be a candidate or permitted to file his declaration for more than one of such places; provided, no ballot shall be counted for any candidate except for the place and number for which he announced in his declaration filed with the legally constituted authorities to receive and file declarations of candidacy. Each of said places to be filled shall be designated by number ac-

cording to seniority in service of the existing incumbents. If there is no such seniority, they shall be numbered in alphabetical order of the names of the incumbents. Provided, however, that this provision shall not apply to counties having a population of 300,000 or more according to the last or any subsequent Federal census except as to Judicial offices. And, provided further, that in judicial circuits now or hereafter composed of only one county, and for which more than three and less than nine circuit judges are provided, said positions shall not be numbered.

Section 17. The Judge of Probate of each County is hereby required to furnish to the officers of said primary election a copy of the official list of voters of each district or precinct in his County, of the same kind and in the same manner as he is by law required to furnish such list to the officers at any general State Election, and he shall furnish as many of said lists as there are parties participating in said primary. The Probate Judge shall also furnish all necessary election supplies, including stamped addressed envelopes in which to mail certificate of results and other papers herein required to be forwarded. The Probate Judge shall deliver such election supplies and lists to the sheriff of the County not less than three days before the day of the election, and it shall be the duty of the sheriff to deliver the same, together with ballot boxes to the officers of said election, at the place provided by law for holding said election, and not later than Seven-thirty o'clock A.M. on said election day.

Section 18. If the name of a person desiring to vote does not appear on the official list of voters for said district, ward or precinct, as furnished by the Judge of Probate, it shall be the duty of the Inspectors to challenge such vote in the same manner as they are required to challenge voters in general elections whose names do not appear on the official list of voters, and, when challenged, such voter, before his ballot shall be received, shall be required to swear and subscribe to the same affidavit of qualification which is required of a voter challenged at a general election, and shall also be required to produce the same kind of affidavit of identification as is required of a voter challenged at a general election, and the affidavit of identification must be subscribed and sworn to in like manner as required at general elections; provided, however, that wherever a person duly qualified in a district, ward or precinct, presents to the inspectors a certificate, (dated subsequently to the date of publication by the Probate Judge of the list of qualified electors,) signed by the Probate Judge, and under his seal or that of his Court, that such person named appears upon the lists of qualified electors, entitled to vote at that primary, on file or record in his office, then such applicant may be allowed to vote without any challenge made upon the above ground.

Section 19. The ballot of every voter shall be kept secret and inviolate. As the inspectors deposit the ballot, the name of the voter shall be checked off the official voting lists. One of the inspectors, as he hands out the ballot to the voter, shall initial the same on its back and before depositing it in the ballot box shall examine said ballot and see that it contains the identical initials aforesaid, and said ballot shall be numbered on the back thereof by one of the inspectors before being deposited in the ballot box and a corresponding number placed by the clerks on a record to be kept for that purpose by them, which record shall be enclosed in a separate envelope and sealed and directed to the Chairman of the County Executive Committee, and delivered to him by the returning officer, and be kept by such Chairman, and opened only as herein provided. In the event of a contest such sealed record of only the counties, districts, precincts, or wards concerned in the contests, shall be opened, and, when opened, may be used in evidence so far as necessary. Such chairman shall not open such sealed records except on proper demand, as provided for in this Act, or as permitted by law, or to make certified copies on such demand; and he shall not open them except in the presence of the trial committee. After the time allowed by law for filing contests, if no contest be filed, the Chairman of the County Executive Committee shall destroy sealed records.

Section 20. A candidate who has qualified may have a single watcher in the polling place to be appointed by him in writing over his own signature and the appointment shall be presented to and filed with the inspectors. A returning officer shall not of right be in the voting place except to cast his own legal ballot and finally to receive the box from the inspectors in order to return it and he shall not be a watcher. A watcher shall not act as or be an election officer and shall not render assistance to any one in preparing a ballot. The watcher may remain in the voting place from the opening of the polls until the box is sealed and delivered to the returning officer, and shall have the right to see and inspect the ballots as they are called off and see the tally as it is being made, and generally to watch the conduct of the election. Any watcher who shall violate any of the provisions of this act, and any person who shall pretend to be a watcher when he has not been appointed, and any person who shall impersonate a watcher, and any watcher who shall on election day either, directly or indirectly, electioneer or campaign with any of the electors or suggest how he shall vote shall be guilty of a misdemeanor, and on conviction shall be fined not less than One Hundred Dollars, nor more than One Thousand Dollars.

Section 21. That all challenged votes shall be marked "Challenged" on the back thereof by one of the inspectors and with a number corresponding to the number opposite the name of the

challenged voter as it appears on the official list of those voting at such election, and give it its proper consecutive number on the list. If the name of such challenged voter does not appear on the official list of qualified voters, one of the inspectors shall add such name to the official list of qualified voters, and give it its proper number on the list. All affidavits of challenged voters shall be taken in duplicate in the same manner as the same affidavits are taken of challenged voters in general elections. One copy of such affidavits in reference to such challenged voters shall be returned with the votes in the ballot box of the party to which they pertain, and the other copy shall be mailed to the Circuit Solicitor to be presented by him to the next grand jury meeting in said County.

Section 22. That if a qualified elector is unable to read or is so physically disabled that he cannot make his cross mark on a ballot, and request assistance in preparing his ballot, the inspector shall swear him as to such disability, and thereupon no more nor less than two inspectors shall assist such voter by one of them in the presence of the other inspector, marking his ballot as he directs. Each elector in preparing his ballot shall prepare the same in the room or place where such election is being held, and not elsewhere.

Section 23. The sheriff of each county on the day of such primary election shall be present in person or by deputy at each election precinct or voting districts where such elections are held and shall preserve good order. All duties imposed and powers conferred upon the sheriff in said county and district elections by this Section are hereby imposed and conferred on the marshal or chief of police in all municipal primary elections. Not more than one officer shall be allowed, however, to enter into the polling place. The sheriff shall also perform the duty of returning officer as in general elections unless some one else has been named and designated as authorized by law. It shall be his duty or the duty of such returning officer as may be otherwise legally named and designated, as the case may be, to return and deliver to the chairman of the County Executive Committee of each of the political parties participating in the primary election, at the office of the Judge of Probate at the County seat, the ballot boxes and returns which have been delivered to him by the officers of said election, and such ballot boxes and returns shall not be allowed to leave his possession and must be returned by him to such chairman not later than Thursday, noon next, following said primary election. Each and all persons failing to perform any of the duties herein required shall be guilty of a misdemeanor.

Section 24. That a ballot commonly known as a single shot shall not be counted. Where two or more candidates are to be nominated for the same offices, the voter must express his choice for as many candidates as there are offices to be filled, and if he fails to do so, his ballot, so far as said particular office is concerned,

shall not be counted and recorded, but as to the rest of the ballot it shall be counted and recorded. Second choice voting in primary elections in the State of Alabama is hereby abolished and no ballots providing for second choice voting in the State shall hereafter be printed.

Section 25. At the close of the primary election at each polling place, and nowhere else, the inspectors and clerks, shall proceed forthwith without adjournment, in the manner provided by law in the case of general elections, to count the vote.

Section 26. No ballot shall be counted until the polls are closed, and before counting any ballot or examining the same, one of the official lists of voters for each party participating in the primary which was furnished by the Probate Judge and both numbered lists of voters participating in the primary election shall be securely sealed in separate envelope and each of the inspectors shall write his name across every fold at which the envelope if fastened could be opened. After the count of the votes is finished, and certificates of the result have been prepared and signed, the inspectors shall seal up in a separate envelope all the ballots cast at such election, and shall put such ballots so sealed up into the proper party ballot box, and shall also put into the ballot box one tally sheet and one certificate of the result, and the ballot box with those contents in it shall be securely locked and sealed. The inspectors shall also, in an envelope, addressed to the chairman of the County Executive Committee or other governing body of each political party participating, seal up one certificate of the result, and one tally sheet, and such envelope with those contents in it ,together with the proper party ballot box, shall thereupon be immediately delivered to the returning officer, who shall keep the same securely in his possession and by noon of Thursday following the primary shall carry and deliver the box and envelope separately to the proper Chairman of the County Executive Committees of the political parties participating in such primary, at the office of the Probate Judge of the County. After the result has been canvassed and declared by the County Executive Committee the chairman of such county committee shall securely keep the ballot box, until it is known that there will be no contest, but in any event, not less than Thirty days, and if in that time no contest has been properly instituted, such chairman shall then destroy the contents of such box without examining the same; and such ballot box shall not be opened except in one or the other of the following events: First, in the event of a contest, where the opening of the box has been authorized under authority of the chairman of the executive committee trying the contest; and second, where a box has been returned but no certificate of the result of the election has been sent the chairman outside of the box, the box may be opened by the chairman of the County Committee, under the direction and in the presence of the commit-

tee; and the committee for canvassing purposes may obtain the result at any particular district, ward or precinct, from the contents of the box, using the certificate of result contained therein, if any, or otherwise, so far as necessary in order to obtain it from the box; after which the papers shall be returned into the box and the box be resealed by the chairman in the presence of the committee.

Section 27. The following are declared to be samples of the tally sheets and instructions for using same in such primary elections:

Form No. 1.
Democratic Primary

Names of Candidates	Votes received
For Governor.	
A	
B	

Section 28. The counting of the ballots completed, the results shall be publicly proclaimed. Separate certificates for each of the political parties entering said primary and the results of said election shall be drawn up by said inspectors and clerks at each and every election district or precinct, which shall contain all matters and things provided for in the law regulating general elections. Said certificates shall be signed in triplicate by each of the inspectors; one copy of the same shall be forthwith posted in a conspicuous place at such polling place, one copy shall be deposited with or mailed to the Chairman of the County Executive Committee of each of the political parties in the primary, at such place as the County Executive Committee of the County shall designate at which to receive such returns; and another copy shall be mailed to the Chairman of the State Executive Committees of the political parties participating in said primary.

Section 29. The County Executive Committee of the party or parties participating in said primary election shall meet at the Court House of their Counties, not later than Thursday, noon, next following said primary election, and receive said returns, canvas and tabulate the same, by precincts, and publicly declare the results thereof; and the Chairman of each County Executive Committee shall forthwith, and not later than noon of the next day, certify and return to the Chairman of the State Executive Committee a statement and tabulation, by precincts, of the result of said primary election and of the number of votes received by each candidate therein for office, except candidates for County office, and at noon on the second Thursday next following said primary election, the State Executive Committee, or such sub-committee there of as may have been appointed by the Chairman thereof for such purpose,

shall meet at the State Capitol in Montgomery and receive said returns and canvass and tabulate the same by Counties, and publicly declare the result thereof as to all candidates for office therein, except candidates for County office; and at said respective meetings of said respective Executive Committees, said County Executive Committee shall, as to candidates for County office in said primary elections, and said State Executive Committee shall, as to candidates in said primary election, for office, except candidates for County office, publicly ascertain, determine and declare; (1) If any candidate for office in said primary election has received a majority of the votes cast for that office, and, if so, declare said candidate the nominee of the party for the office for which he was a candidate and for which he received a majority of the votes cast for that office in said primary election; (2) If no candidate receive a majority of all of the votes cast in such primary election for any one office or offices for the nomination to which there were more than two candidates, then there shall be held a second primary election on the second Tuesday in June next following said primary election, and the Chairman of the State Executive Committee shall certify to the Secretary of State, within three days from the date the State Executive Committee, or sub-committee thereof, canvassed the returns of the first primary election, the names of the two candidates of his party to receive the highest number of votes in the first primary election for such office, or offices, except County offices, and who are to be voted for in the second primary election, and the Chairman of each County Executive Committee shall, within three days from the date the County Executive Committee canvassed the returns of the first primary election, certify to the Probate Judge of the County the names of the two candidates who received the highest number of votes in the first primary for nomination to any County office; and the Secretary of State shall, within not more than Five days from the date he receives said certificate from the Chairman of the State Executive Committee, certify to the Probate Judge, of any County where a second primary election is to be held the name or names of the candidates certified to him as herein provided by the Chairman of the State Executive Committee; and the Probate Judge of each County in Alabama shall in manner and form as required by this Act and the general laws of Alabama have prepared and printed all election supplies and all ballots to be voted in the second primary election, which ballots shall contain, under appropriate headings or titles of the offices to be filled, the names of the two candidates for each office so certified to him by the Secretary of State and the Chairman of the County Executive Committee, as herein required, as well as such other matters as are required by this Act and the general laws of Alabama, on ballots for the first primary election. At the second primary election no one can be a candidate except the two persons who received the highest

number of votes for the office for which they were candidates, in the first primary election. The returns from the second primary election shall be made and the votes canvassed and tabulated and the results declared in the same manner herein provided for making, canvassing and tabulating, and declaring the results of the first primary election. The County Executive Committee of the parties participating in said primary election shall meet at the Court House of their respective Counties not later than Thursday noon, next following the second primary election and receive said returns, canvass and tabulate the same by precincts, and publicly declare the results thereof; and the Chairman of each County Executive Committee shall forthwith, and not later than noon of the next day, certify and return to the Chairman of the State Executive Committee a statement and tabulation by precincts of the results of the second primary election and of the number of votes received by each candidate for office therein voted for, except candidates for County office, and at noon on the second Thursday next following the second primary election the State Executive Committee, or such sub-committee thereof as may have been appointed by the Chairman thereof for such purpose, shall meet at the State Capitol in Montgomery and receive said returns and canvass and tabulate the same by Counties, and publicly declare the result thereof as to all candidates voted for, except as to candidates for County office, and at said respective meetings of said respective Executive Committees, said County Executive Committee shall, as to candidates for County office voted for in the second primary election, and said State Executive Committee shall, as to candidates for office in the second primary election voted for therein, except candidates for County office, publicly ascertain and determine the candidates receiving a majority of all of the votes cast in such second primary election for any one office, and the candidates so ascertained and determined to have received a majority of all of the votes cast in such second primary election for said office shall be declared the nominee of the party for such office, by said respective County and State Executive Committees; and thereupon, and within five days from the date the County Executive Committee canvassed the returns of the second primary election, the Chairman thereof shall certify to and file with the Judge of Probate of his County the names of those who have been nominated in the first or the second primary election or as otherwise authorized or provided by this Act, as candidates of his party for County offices, and in like manner, and within ten days from the date the State Executive Committee, or sub-committee thereof canvassed the returns of the second primary election, the Chairman of the State Executive Committee shall certify to and file with the Secretary of State the names of those who have been nominated in the first or second primary election or as otherwise authorized or provided by this Act as can-

didates of his party for office, except candidates for County office, and the names of the persons so certified shall be placed upon the official ballot of the general election to be held in November next thereafter as the candidates of the party for the offices for which they, respectively, have been so nominated. In the event either of the two candidates receiving the highest number of votes in the first primary election shall determine not to enter the second primary election, herein provided for, he shall, as soon as possible and not less than ten days after the holding of the first primary election, certify his declination to enter such second primary election to the Chairman of the State Executive Committee of his party, if the office is an office other than a County office, or to the Chairman of the County Executive Committee of his party if the office is a County office, and upon the receipt of such notification the Chairman of such Committee shall declare the other candidate the nominee of the party for said office and certify his name as such nominee to the Secretary of State or Probate Judge, as the case may require, and a second primary election for the nomination of a candidate for that particular office shall not be held, nor shall his name be printed on the ballot of the second primary election. If a nominee for a single office is to be selected, with more than one candidate, then the majority of votes cast for said office in such election shall be ascertained by dividing the total vote cast for all candidates for said office by two, and any number of votes in excess of one-half of such total votes cast for all candidates for such office shall be a majority within the meaning of this section. If nominee for two or more offices (constituting a group) are to be selected, and there are more candidates for nomination than there are such offices, then the majority of votes cast for said office in such election shall be ascertained by dividing the total vote cast for all such candidates by the number of positions to be filled, and then dividing the result by two. Any number of votes in excess of the number ascertained by such last division shall be the majority herein provided for necessary for nomination. If in ascertaining the result in this way, it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared the nominees for the positions to be filled.

Section 30. That if, in any primary election held under the provisions of this Act, there shall be a tie vote cast, then in such event such tie shall be decided by the Chairman of the State Executive Committee if the office be an office other than a County office, and by the Chairman of the County Executive Committee if the office be a County office.

Section 31. That when a contest of a nomination is instituted or where a special primary to nominate is held, as herein provided

for, the declared nominee for such office shall not be certified until after termination of the contest filed in the time herein prescribed.

Section 32. The Secretary of State, not less than Thirty days, nor more than Forty days, prior to each General election, shall certify to the Probate Judge of each county in the State a separate list of all the nominees of each party for office, except nominees for County offices, to be voted for by the voters of such County.

Section 33. No person entitled to vote under the rules of the political party holding such primary election, shall be arrested on the day of such election, unless it be for a felony, or a breach of the peace attempted or committed on that day; for such breach of the peace or attempted breach of the peace the sheriff, or his deputy, or in case of municipal primary the marshall or chief of police, may arrest, without process, and commit to jail until the offender shall give bond, with good and sufficient surety, to be approved by the sheriff or marshall or chief of police, as the case may be, for his appearance at the next term of the Circuit or County Court, or municipal Court, in case of municipal primary, to answer any charge that may be brought against him.

Section 34. The State Executive Committee, in cases where the office to be filled is not a County office, and the County Executive Committee in cases where the office to be filled is a County office, but subject to the approval of and in accordance with the method prescribed by the State Executive Committee, where a vacancy may occur in any nomination, either by death, designation, revocation, or otherwise, or in case of any special election, shall have the power and authority to fill such vacancy, either by action of the Committee itself, or by such other method as such Committee may see fit to pursue.

Section 35. The State Executive Committee or other governing body of any political party may provide for State conventions or conventions of other sub-divisions and may provide for the election of delegates to such convention or other party officers at the general primary herein provided for.

Section 36. All nominations made under this Act may be contested within five days after the result has been declared as to all candidates for nomination for county offices, and fifteen days as to all other candidates, under the same conditions and on the same grounds as provided in the laws of Alabama for general elections of state and county officers, and as provided in this Act. Such contest shall be heard and tried by the county executive committee as to candidates for county offices, and by the State Committee as to candidates for all other offices; and wherever there is no county executive committee consisting of enough members to obtain a quorum, then by the State Executive Committee.

Section 37. The contests of nomination by a party for office, other than a county office, may be instituted by any qualified elec-

tor of the State, or of the political subdivision as the case may be, who belongs to that party and who legally participated in such primary election, upon the following grounds, which may be used separately, or else be joined in the same contest, namely: 1. Mal conduct, fraud, or corruption on the part of any inspector, clerk, marker, returning officer, board of supervision or canvassers, or other persons. 2. When a person whose nomination is contested was not eligible to the office sought at the time of the declaration of nomination. 3. On account of illegal votes given. 4. On account of the rejection of legal votes. 5. Offers to bribe, bribery, intimidation, or other malconduct or misconduct calculated to prevent a fair, free and full exercise of the elective franchise. 6. Miscalculation, mistake, or misconduct in counting, tallying, certifying or canvassing which of itself alone or in conjunction with the giving of illegal votes or the rejection of legal votes, or any other ground would, when everything is corrected, reduce the number of legal votes cast for the declared nominee down to or below those of some other candidate in that race.

Section 38. None of the above grounds of contest shall serve to annul or set aside any declared nomination, unless such ground alone or in conjunction with other of such grounds alleged shall serve to show to the reasonable satisfaction of the committee trying the contest that the person who was declared nominated and whose nomination is contested did not receive at such primary the number of legal votes necessary under this act to nominate him. But upon such contest the committee shall have power to declare who was legally nominated at such primary for such office.

Section 39. Any person examined as a witness on a contest of a nomination may be required to answer as to whether he voted at the primary, and touching his qualification to vote thereat, and to answer for whom he voted in the race concerned in the contest. If he swears falsely upon such contest, to any material matter, he may be prosecuted for any perjury thereby committed as defined by Section 5165 of the Code of Alabama of 1923; but if on such contest he makes full and true answers, any of which may incriminate, or tend to incriminate him he shall not be prosecuted in any court, either for voting in the primary or for any offense committed by him and disclosed by his answers.

Section 40. It shall be the duty of the Probate Judge of any county, upon the application of either party to any contest, his agent or attorney, to deliver to the party his agent, or attorney, a certified copy of the registration list and of the list of poll tax payers (all or both) of his county or for any election district, ward or precinct therein, upon payment of his fees for certifying and copying the same at the rate of fifteen cents a hundred words written by him in making such copy; and such copies, duly certified, shall be prima facie evidence of the facts stated therein, namely,

copies of the registration lists that the persons named therein were duly registered, and of the list of poll tax payers that the persons named therein had paid poll tax as indicated therein; and any chairman of any committee or other authority or person in whose possession, control or custody there is any list of persons voting at the primary election or any other paper lawfully pertaining to the primary election, shall furnish a copy thereof for any State, County, district ward or precinct, duly certified by him, whenever required in writing by either party to a contest, his agent, or attorney, upon the applicant's paying in advance, the reasonable cost of preparing such copy, and such duly certified copies shall be prima facie evidence of the truth of the matter indicated or recited therein.

Section 41. Any elector of a party desiring to contest the nomination by his party of any candidate declared the nominee for any office shall make a statement in writing setting forth specifically; 1. The name of the party contesting, and that he was a qualified elector when the primary was held and he participated therein. 2. The nomination which said election was held to fill, and the time of holding the election, and the name of the person declared nominated. 3. The particular grounds on which the nomination is contested. The contest is instituted by filing this statement and giving security as elsewhere provided in this act, which said statement must be certified by the affidavit of such contesting party to the effect that he believes the same to be true. If the reception of illegal votes is alleged as a ground for contest, it is a sufficient statement of said ground to allege that illegal votes were given to the person whose nomination is contested, which, if taken from him will of themselves alone or in conjunction with other alleged grounds of contest, if any, reduce the number of legal votes given to him down to or below the number of legal votes given to some other candidate for the same nomination, and if the rejection of legal votes is alleged as a ground, it is a sufficient statement of the ground to allege the legal votes were offered and rejected which, if cast and counted, would of themselves alone or in conjunction with other alleged grounds, if any, increase the number of legal votes cast for such candidate to a number equal to, or greater than the number to which the contestee was legally entitled.

Section 42. No testimony must be received of any illegal votes or of the rejection of any legal votes in any contest commenced under the provisions of this act unless the party complaining thereof has given to the adverse party notice in writing of the number of illegal votes and by whom given, and for whom given, and at what precinct or voting place cast, or the number of legal votes rejected, and by whom offered, and at what precinct or voting place they were not allowed to be cast, which he expects to prove on the trial. Such notice must be served personally or left at the residence

or usual place of business of the adverse party at least five days before the taking of the testimony in reference to such votes.

Section 43. Any contest of a nomination to any county office must be commenced within five days after the result has been canvassed and the nomination declared by the county executive committee of the party holding the primary, by filing a statement of contest with the chairman of such county committee, in the same manner and form as is provided herein for contest of other nominations, and depositing at the same time with such chairman the sum of $50.00 in cash to be used by the said county committee in paying the expenses of such contest from time to time as such expenses may be authorized or directed by said county committee; and the person whose nomination is contested under this section shall have five days after notice of the filing of the contest within which to file with such chairman his objections and his answers to such contest.

Section 44. The chairman of the county committee, upon the filing with him of any contest, as herein provided, shall, within five days, call said committee together at the county seat at the time not less than ten days nor more than twenty days after the filing of such contest, to hear and determine the same.

Section 45. Either party to said contest shall have the right of an appeal to the State executive Committee from the final decision of the county committee upon the same. Notice of such appeal must be filed with the chairman of the State Executive Committee within ten days after determination of such contest by the County Executive Committee, and at the time of filing with the chairman of the State Executive Committee his notice of appeal, such appellant shall deposit with the chairman of the State Executive Committee the sum of One Hundred Dollars, to cover such cost and expenses as may be incurred by the State Executive Committee to hear and determine said appeal, and, upon the filing of any such appeal, the chairman of the County Executive Committee, from whose decision the appeal is taken, shall, certify to the chairman of the State Executive Committee forthwith upon receiving notice of such appeal, a transcript showing a complete record of the proceedings before the County Executive Committee in such contests and also a statement of the substance of the testimony of each witness taken on the trial of the contest before the County Committee, and such statement may be offered in evidence upon the hearing of the appeal by either party to the appeal.

Section 46. The Chairman of the State Executive Committee shall call said committee to meet at a time not less than ten days nor more than twenty days from the time of the filing of any such appeal, for the purpose of hearing and determining the same, and upon a final determination of said appeal the chairman of the State Executive Committee shall issue to the county executive committee,

from which the appeal was taken, the order of judgment of such State Executive Committee upon the appeal, and said county executive committee shall immediately act thereon in accordance with the terms of such order of judgment; and upon the failure or refusal of such county committee to comply with the terms of such order or judgment, within the time named in such order or judgment, then such State Executive Committee, if it be then in session, otherwise, the chairman of such State Executive Committee is hereby vested with full and complete authority to take such measures or adopt such steps as it may deem necessary to carry out such order or judgment, and is invested with all the powers of such county executive committee or its chairman in so far as such powers may be necessary or convenient in carrying out such order or judgment. The Chairman of the State Executive Committee may appoint a sub-committee of not less than three to hear and decide any contest, and the sub-committee so appointed shall, if so authorized by the Chairman of the State Committee, have all of the power and authority given to or possessed by the State Executive Committee to hear such contest. The sub-committee may be appointed to hear evidence and report their recommendations to the full State Committee.

Section 47. Any qualified elector of a party, participating in any primary election held under the provisions of this Act may if he participated in the primary, contest a nomination declared by his party to any office, other than a county office, by filing with the chairman of the State Executive Committee his statement of contest and grounds thereof as required by this Act, for contest before a committee, verified and with averments the same as therein provided, and by giving security as elsewhere provided in this Act. The person whose nomination is contested shall at once be notified by such chairman, in writing, of such fact and such contestee shall have ten days after the receipt of such notice of such contest within which to file with the Chairman of the State Executive Committee his objections and answers to the statement of contest.

Section 48. Upon the filing of any contest of nomination the chairman of the committee with which the contest is filed shall file a statement in the office of the Clerk of the Circuit Court of the county where the contestant resides of the fact that such a contest has been filed, giving the names of the parties thereto, the nomination contested and the day set for hearing, and after such statement is filed the Clerk of the Circuit Court shall issue such subpoenas for witnesses and orders for production of documents and shall issue Commissions for the taking of testimony by deposition as requested by either party, under the same rules and regulations as witnesses are summoned and depositions taken in Chancery Cases, each party to the contest being responsible for costs incurred by him for the summoning and attendance of witnesses on his be-

half, and the clerk may issue execution for such costs the same as in civil cases. It shall be the duty of the sheriff to serve all process issued by the Circuit Clerk and execute all orders and processes of the committee, or sub-committee, trying the contest. Such committee, or sub-committee, shall have the same power and authority as the Circuit Judges of this State to enforce obedience to its orders and process; and to punish disobedience to its orders by fine or imprisonment, as for contempt, and such committee shall, of its own motion, or at the request of either party, have power to require any person to produce before it, papers or documents pertinent to any inquiry before such committee or sub-committee. The chairman of the committee, or sub-committee trying the contest may issue directly to the sheriff process for the attendance of witnesses or the production of documents or commissions for taking depositions, without the intervention of the Circuit Clerk, as herein in this Act provided.

Section 49. The State Executive Committee shall, upon the filing of a contest with the chairman, be called by such chairman, to meet at a time not less than ten days nor more than twenty days from the time of filing such contest, for the purpose of hearing and determining the same, or, without calling the committee to meet, the chairman may appoint a sub-committee as herein provided for.

Section 50. Upon the hearing of any contest, if the State or County Executive Committee finally determines who is the legal nominee for any office it shall make a declaration of its judgment upon the question, but a failure or refusal by the committee in which the contest is brought to hear and determine the same as much as forty days before the general election in November, shall be treated as a dismissal or the rendition of judgment against the contestant, and a certificate thereof shall be forwarded by the chairman to the proper destination; the county chairman to the Probate Judge within five days, and the State Chairman to the Secretary of State within ten days, and the Secretary of State to the Probate Judge within twelve days after the result, but all certificates shall be made so as to get the nominee on the ballots for the general election in November.

Section 51. If, upon the hearing of any contest for any office, as provided for in this Act, the committee, after an investigation and hearing of the contest, shall determine that it is impossible from the evidence before it to decide who is the legally nominated candidate for the office contested, it shall have the right and authority to direct a new primary election for the nomination to any such office, but where any action is taken by any county executive committee, either person to the contest, in the same manner as herein provided for in the case of appeals from the action of any County Committee, may take an appeal to the State Executive Committee, which shall be the court of final appeal in all party con-

tests of nominations; provided, that upon hearing of any contest or appeal, as provided for in this act, which is not referred to and decided by a sub-committee fifteen members of any such State Executive Committee shall constitute a quorum for the hearing and determining of such contest, or appeal, provided further, that the entire Committee be notified of the meeting in the usual way.

Section 52. The State Executive Committee may prescribe such other additional rules governing contests and other matters of party procedure as it may deem necessary, not in conflict with the provisions of this Act.

Section 53. The Chairman of any such committee or sub-committee before which may be pending any contest as herein provided shall have authority to administer oaths to witnesses in such contests and to summon persons and officers to be and appear before such committee or sub-committee, provided, that the person who desires the summoning of any witnesses, at the time he makes request of the Chairman of such committee to summon any witness, shall deposit with the chairman of such committee, in cash, sufficient money to pay the cost of summoning any such witness, and also to pay such witness the sum of one dollar per day while attending upon such committee and the sum of three cents per mile each way in coming and returning from attendance upon such committee; and all witnesses summoned to testify in any contest pending before any committee shall be paid at the rate of one dollar per day and three cents per mile as herein provided for; provided, that any party to the contest may file with the chairman an instrument in writing signed by any such desired witness waiving his right to claim such per diem and mileage, in which event the chairman shall not require a deposit for the payment of such witness fees but only for the expense of summoning him.

Section 54. Upon filing of any contest as herein provided the executive committee before whom any such contest is pending, if in session, or the chairman of such committee, if it is not in session, may appoint a commissioner, upon the request of either party, for the purpose of taking testimony in such contest, and such commissioner shall take testimony in such contest as he may be directed to take by the chairman of such committee, and five days' notice of the time when and place where such commissioner expects to take such testimony and the names of the witnesses to be examined, shall be given the opposite party to the contest; each party to the contest may be represented before such commissioner, but before any such commissioner is appointed the party desiring the appointment made shall deposit with the Chairman of such Committee sufficient funds to pay the expenses and fees of such Commissioner, and the fees and mileage of any witness which may be summoned before such commissioner. And such commissioner, when appointed, shall, for the purpose of the contest in which he is to take

testimony, have authority to summon witnesses to appear before him in such contest and to administer oaths to such witnesses and shall have all the authority vested in a justice of the peace to punish for contempt. But such commissioner shall not be of kin to either party to the contest.

Section 55. In the hearing of any contest before any committee, or sub-committee, under the provisions of this Act, such committee, through its chairman, or through such other authority as may be designated, shall have authority to summon witnesses to appear before it or before any sub-committee appointed by it, in the hearing of any contest pending before such committee and can require any witnesses by a subpoena duces tecum to produce any books, papers, poll lists, tally sheets, ballots, certificates or other documents, which it may consider necessary to a rightful determination of the case. Any such witnesses who live more than forty miles from the place where such contest is to be heard or tried at the time he is summoned, shall be furnished the amount of his railroad fare going and coming to attend upon such committee.

Section 56. That from the time the first primary is held until the polls close on the day of the second primary, as herein provided, no candidate and no committee of any candidate authorized by section 588 of the Code of Alabama, 1923, shall expend any money or anything of value for any purpose tending in any way, directly or indirectly, to promote or aid in securing his nomination and election, except in defraying his own personal traveling expenses, his own personal hotel, telephone, telegraph and restaurant bills, and the costs of giving publicity to his candidacy in newspapers, and the violation of this provision shall be a corrupt practice and a misdemeanor. "This provision shall not increase the limits of expenditures now or hereafter provided by law."

Section 57. That the State Executive Committee of any party shall have the right, power and authority to appoint, or to authorize and empower the Chairman thereof to appoint, from time to time, a sub-committe, or sub-committees, to look after, supervise and conduct primary elections under this Act, receive returns from, and canvass and tabulate and declare the results of, and certify to, any primary election held under this Act, to hear, consider and decide any contest of any election or of the nomination of any candidate in any election held under this Act, and generally to delegate to and confer upon such sub-committee the right, power, and authority to do and perform any act or thing which said State Executive Committee could do or perform and the Chairman of such sub-committee or sub-committees shall also have and be authorized to perform any Act, and exercise any power or authority which the Chairman of the State Executive Committee has or could exercise under this Act.

Section 58. Any person who violates any of the provisions of this Act for which a penalty is not otherwise provided, shall be

guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Fifty ($50.00) Dollars and not more than Five Hundred Dollars, and may also be imprisoned in the County Jail or sentenced to hard labor for the County for not more than Six Months at the discretion of the Court.

Section 59. Every section of this Act and every part of each section are hereby declared to be independent sections and parts of any section, and the holding of any section or part thereof, to be void, ineffective or unconstitutional for any cause shall not affect the other sections or parts thereof.

Section 60. That the words and phrases in this Act shall, unless such construction be inconsistent with the context, be construed as follows: (a) The word "voter" shall have the same meaning as the word "elector"; (b) the words "primary" and "primary elections" the primary nomination election provided for by this Act; (c) The words "election" and "General election" the general state and County election to be held in November; (d) the word "party" a political party or organization which, at the general election for State and County offices next preceding the Primary Election, cast more than twenty per cent of the entire vote, as provided by Section 2 of this Act; and (e) Whenever the masculine pronoun is used in this Act it shall be construed as if both the masculine and feminine pronoun had been used; (f) The words "County office" or "County officer" shall include members of County Executive Committees of political parties, and County treasurers, County Superintendent of Education, Probate Judge, County Commissioners or Members of Boards of Revenue, Member of County Board of Education, Sheriffs, Tax Collectors, Justices of the Peace, Constable and like officers, Tax Assessors, Clerks of the Circuit Court, and all other officers who do not receive their compensation from sources other than the County, "County officers" or "County offices" do not include State Senators, Members of the Legislature, Circuit Judges, Circuit Solicitors, Congressmen, Members of the State Executive Committee of political parties, delegates to National political conventions, nor any officers whose compensation is paid by the State of Alabama or the United States.

Section 61; That the provision of this Act shall be liberally construed so that the will of the voters may not be defeated by an informality.

Section 62; That all laws, general, local, or special, in conflict with this Act, be and the same are hereby repealed.

Section 63; This Act shall take effect upon its approval.

Approved February 25, 1931.

No. 57.) (H. 78. West.

AN ACT

To validate and legalize elections heretofore held under the provisions of Article 12 and Article 13 of the Alabama School Code, which was adopted by the passage of an Act entitled "An Act to adopt the Code of laws relating to education, prepared in accordance with the provisions of the Act approved August 11, 1927, entitled 'An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to education' ".

Be it Enacted by the Legislature of Alabama:

Section 1. That all elections, whether in school districts or in counties which have heretofore been held under the provisions of Article 12 and Article 13 of the Alabama School Code, which was adopted by the passange of an Act entitled "An Act to adopt the Code of laws relating to education, prepared in accordance with the provisions of the Act approved August 11, 1927, entitled 'An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to education,' " which said election resulted in a majority of the votes cast being in favor of the special county or district tax for school purposes and which said elections were irregular by reason of failure prior to the actual holding of the elections to give notice thereof in a newspaper, or by reason of any other irregularity, be and the same are hereby ratified and confirmed and given effect in all respects as if all the conditions, preliminary and prior to the actual holding of such elections as required by the aforesaid Act had been duly and legally complied with; provided, that the provisions of this Act shall not apply to districts and counties in which such elections may have been held and declared illegal by the board of revenue or county commissioners prior to the passage of this Act.

Approved February 25, 1931.

No. 58) (H. 82. Patterson

AN ACT

To amend Section 2 of an Act, entitled: "An Act allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission." Approved July 1, 1927.

Be it Enacted by the Legislature of Alabama:

That Section 2 of an Act, entitled: "An Act allowing boxing, sparring and wrestling matches and exhibitions under the regula-

tion and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission." Approved July 1, 1927, be and the same is hereby amended so as to read as follows:

Section 1. That an Athletic Commission is hereby created, which shall be known as the Alabama Athletic Commission, and which, for the purpose of brevity, is hereinafter referred to in this Act as the Commission. The Commission shall consist of three men, each of whom shall be a qualified voter and at least thirty years of age. The members of the Commission shall consist of a Chairman of the Commission and Two Associate Commissioners, each of whom shall be appointed by the Governor. The Chairman shall be appointed for a term of six years, and one Associate Commissioner for four years, and one Associate Commissioner for two years, and thereafter their respective successors shall be appointed for a term of six years. They shall take the same oath of office and may be impeached and shall be commissioned as other State officers, but they shall not be required to reside in Montgomery County, Alabama.

Section 1½. No person shall be eligible to membership in the Alabama Athletic Commission who is not a member, in good standing, of one or more patriotic organizations chartered by authority of a special Act of the Congress of the United States, or local unit thereof;

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved February 20, 1931.

No. 59.) (H. 101. Morrow.

AN ACT

To Divide The State Of Alabama Into Nine Congressional Districts.

Be it Enacted by the Legislature of Alabama:

Section 1. The State is hereby divided into nine Congressional Districts as follows: The First District shall be composed of the counties of Choctaw, Clarke, Marengo, Mobile, Monroe, Washington and Wilcox. The Second District shall be composed of the counties of Baldwin, Butler, Conecuh, Covington, Crenshaw, Escambia, Montgomery, Pike and Lowndes. The Third District shall be composed of the counties of Barbour, Bullock, Coffee, Dale, Geneva, Henry, Houston, Macon, Lee and Russell. The Fourth District shall be composed of the counties of Autauga, Cal-

houn, Clay, Coosa, Dallas, Elmore, Talladega and St. Clair. The Fifth District shall be composed of the counties of Chambers, Cherokee, Cleburne, DeKalb, Etowah, Randolph, Marshall and Tallapoosa. The Sixth District shall be composed of the counties of Bibb, Greene, Hale, Perry, Sumter, Tuscaloosa, Chilton and Shelby. The Seventh District shall be composed of the counties of Blount, Cullman, Fayette, Franklin, Lamar, Marion, Pickens, Walker and Winston. The Eighth District shall be composed of the counties of Colbert, Jackson, Lauderdale, Lawrence, Limestone, Madison and Morgan. The Ninth District shall be composed of the county of Jefferson.

Section 2. Provided, however, this Act shall take effect on March 4th, 1933; but for the purpose of an election there shall be elected in 1932 a congressman from each of said districts.

Approved February 25, 1931.

No. 60.) (S. 111. Teasley

AN ACT

To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty seven thousand people according to the last Federal Census or any such census which may hereafter be taken; To regulate the selection or nomination and election of Commissioners and their terms of office; To fix their powers, duties and compensation, To punish improper conduct in connection with the elections, primaries and petitions hereunder; To abolish Police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government

Be it Enacted by the Legislature of Alabama:

Section 1. All cities of the State of Alabama which have a population of as many as forty thousand and less than sixty-seven thousand people, according to the last Federal census, or which shall hereafter have such a population according to any such census that may be taken hereafter, shall become organized under the commission form of government, according to the terms of this Act, and shall be known as cities of Class "C".

Section 2. In all cities of the State of Alabama which have such population, according to the last Federal census, the Governor is authorized, during the year 1911, and required to appoint four persons, to hold office as commissioners of said city, who shall hold office from the second Monday in April, 1911, until the first Monday in October, 1915, and until their successors shall be elected and shall qualify as hereinafter provided, but after the expiration

of the terms of the first commissioners, i.e., the first Monday in October, 1915, there shall be but three commissioners for any such city. The term of office of each member of the board, including the president of the commissioners, after the expiration of the term hereinbefore provided, shall be four years, and until their successors shall be elected and shall qualify as hereinafter provided. The mayor, or chief executive of every such city, shall be and become on the second Monday in April, 1911, as provided herein, the president of the board of commissioners of such city, and shall hold office until the first Monday in October, 1915. It is the intention of this Act that the commissioners appointed by the Governor in 1911, to take office on the second Monday in April, 1911, and shall hold office until the first Monday in October, 1915, and that the board of commissioners of any such city shall thereafter consist of only three members, who shall be elected by the voters of such city on the third Monday in September, 1915, and thereafter an election shall be held on the third Monday in May, 1919, and on the same day of every fourth succeeding year, including the year 1927, and on the third Monday in May, 1931, and on the same day of every fourth succeeding year.

Section 3. The provisions of this Act shall apply to and become operative in all cities not now having but which shall hereafter have a population of as many as forty thousand people, according to any Federal census that may be taken hereafter, and election may be called and such cities may become organized under this Act in the same manner, as cities having the required population at the time of the passage of this Act.

Section 4. The President and the Commissioners provided for in this Act shall be known collectively as the "Board of Commissioners of the City of....." (name of City to be inserted), and shall be the members of the board of commissioners, and it shall have the powers and duties hereinafter provided. The first Commissioners appointed under the provisions of this Act shall qualify for office in the manner prescribed by this Act, and shall take office on the second Monday in April, 1911. As soon as they have qualified for office in any such city, then such city shall at that time and thereby be and become organized under the commission form of government provided by this Act and said Commissioners provided for by this Act shall forthwith take office and enter upon their duties.

Section 5. The President of the Board of Commissioners and Commissioners of such city to be known as the Board of Commissioners of said City, as provided, shall be municipal officers only, and shall have, and possess and exercise, only the municipal powers, legislative, executive and judicial possessed and exercised by the Mayor and Board of Aldermen, and any and all other Boards,

Commission and Officers of such city of any and of every sort whatsoever, except the powers conferred on the County Board of Health, insofar as they apply to said city, by State law, or by existing ordinances enacted by said City, except whatsoever power they may possess, expressly or impliedly as State officers, or such powers that are expressly or impliedly given by this Act; and all such Boards, Commissioners and officers, except those provided by this Act, shall then and there be abolished, and the terms of office of any and all such officers or officials shall then and thereby cease. Said Board of Commissioners shall not have, possess or exercise any legislative, executive, judicial or administrative powers of the State or County, except when acting as a recorder, and then only as a committing magistrate, nor shall the offices held by them be State offices, except as herein provided; such City shall continue its existence as a body corporate under the name of "City of_____" (inserting name of City.) It shall continue to be subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation nor inconsistent with the provisions of this Act, and shall continue to enjoy all the rights, immunities, powers, privileges and franchises then enjoyed by it, as well as those that may hereafter be granted to it, not inconsistent with the provisions of this Act. All laws governing such City, and not inconsistent with the provisions of this Act, shall apply to and govern said City after it shall become organized under the commission form of government provided by this Act. Said Board of Commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such City the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any City of this class is hereby repealed. All laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization not inconsistent with the provisions of this Act, shall remain in force until altered or repealed, according to the provisions of this Act. The territorial limits of such City shall remain the same as under its former organization, and all rights and property of every description which vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said City; and no right or liability either in favor of it or against it and no suit or prosecution of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this Act. All employees of said City and all officials except those whose terms of office are abolished by this Act shall continue in office until otherwise provided by said Board of Commissioners of said City, provided that this withdrawal or transfer of powers shall not apply to the powers conferred on the County Board of Health or in so far as they apply

to said City by State law or by existing city ordinances, nor shall they apply to the appointment of health officers for a City, nor to persons employed by such health officers to enforce quarantine under ordinances in force in the City.

Section 6. In cities having a population of 40,000 and less than 67,000 people, the management and control of the public school therein shall be vested in a Board of Education as provided under an Act "To provide for the consolidation of the administration and control of the public school systems in any County of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal census; to establish a Board of Education in lieu of all other City and County Boards of Education in such counties, and provide for the manner of its selection and to define its authority." Approved September 6, 1927. All property, real, personal and mixed, now held or hereafter acquired for school purposes, shall be held in trust for the use of the public schools of the City or town and no sale or purchase of real estate shall be made by any other than the Board of Education of such City or town. The Board of Education shall have full and exclusive power within the limits of the revenue appropriated for such purpose, or accruing to the use of the public schools, to purchase fixtures, furniture, apparatus, libraries, fuel and supplies for the use of the schools, and to sell the same, and to make expenditures for the maintenance and repair of the school grounds, buildings, and other property, to purchase sites and to establish and build new schools when such sites have been provided by the Board of Education and to superintend the erection thereof; to make additions, alterations, and repairs to the buildings and property devoted to school uses, and to make necessary and proper regulations, contracts and agreements in relation to such matters. All such contracts shall insure to the benefit of the public schools and in a suit at law or in equity, brought upon them and for the recovery and protection of money and property belonging to and used by the public schools, or for damages, shall be brought by and in the name of the City. Each year the board of education shall make an estimate, in detail, of the amount of money required for the proper support and maintenance of the public schools during the next scholastic year, which shall be submitted to the Board of Commissioners and the Board of Commissioners shall make annual appropriations for the support and maintenance of the schools that it may deem necessary and proper, in view of all other needs of the government of the City, and of the expected revenues from taxes and otherwise. Money so appropriated, and all money received from the school fund of the State, poll taxes and the sale of school property and the sale of bonds for school purposes, and from any other source whatever, for school purposes,

shall be held by the Treasurer of the City, as a special fund or funds for school purposes, and it shall be paid out by him on warrants drawn by the clerk of the board, and countersigned by the president, or vice president, when acting as president of the board of education, and by the clerk of the city, and not otherwise. And no warrants shall be drawn unless in pursuance of a resolution of the board of education, entered upon its minutes. The board of education shall have full control of the public school of the city or town. It shall have power to establish schools, to discontinue any school, to consolidate schools; to prescribe courses of study and books to be used not in conflict with the general law in reference to text books, to divide the city into school divisions as circumstances may require, to employ teachers and superintendents of schools, and necessary employees, and to fix their salaries and wages, to establish and maintain high schools and prescribe rules, for the expulsion of pupils, to expel any pupil guilty of gross disobedience or willful misconduct; to dismiss any superintendent, teacher, or employee when in its opinion to the interest of the school require it, and generally to have and exercise all rights, powers and authority required for the management of a system of public schools. To designate amount to be paid by non-residents of the districts whether owners of property or not, who desire their children to be enrolled. It shall be the duty of the board of education to examine or cause to be examined all persons at times and places fixed by it, offering as candidates for teachers' places, and when found qualified to give them certificates of qualification gratuitously, to grant diplomas without charge to graduates of the high schools, to visit all schools as often as once a month, to establish and uniformly enforce proper rules and regulations, to inquire into the performance of their duties by the teachers and superintendent, and into the progress of the pupils, and to prepare and submit to the board of commissioners an annual report showing the operation of the schools for the past scholastic year and suggesting their needs for the future. It shall be the duty of the board of education to elect a superintendent of schools, fix his term of office and salary, prescribe his powers and duties. The superintendent shall be required to give bond for the faithful performance of his duties which shall be payable to said city in the sum to be fixed by the board, not less than three thousand dollars, with surety or sureties to be approved by the president of the board, the bond to be filed with the clerk of the city or town. The superintendent may be elected clerk of the board of education, and if so elected his bond shall stand as security for the faithful performance of his duties as clerk as well as superintendent however conditioned. It shall be the duty of the clerk of the board of education to keep full and correct detail account of all money received

and expended. The board of commissioners shall attend to the taking of the school census, which shall be taken in the month of April, of each year, and it shall be their duty to make complete and accurate reports of the same to the superintendent of education of the State. Each incorporated city or town as a special district or embraced therein, shall receive its proportionate share of the public school revenue, to be paid over by the State superintendent of education direct to the city superintendent of schools, and by him paid over to the city treasurer.

Section 7. Every city organized under the form of government provided for by this act, shall be governed and managed by the board of commissioners provided for herein, except as otherwise provided herein. Each and every officer and employee of said city except the health officer and such persons as may be employed by him to enforce quarantine, and such other officers and employees as are designated in this act shall be selected and employed by the said board of commissioners, under its direction, and all salaries and wages paid by said City except as otherwise provided by the terms of this Act, shall be fixed by said board of commissioners. Unless otherwise provided in this Act, the commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the health officer and those holding under him, all of whom except those herein otherwise specified, shall hold office and be removable at the pleasure of the board of commissioners, except such other employees whose employment, term of office, removal and the prescription of whose duties are otherwise provided for in this Act. The powers and duties of the board of commissioners in such cities shall be distributed into and among three departments, as follows: (1) Department of public affairs; (2) Department of finance; (3) Department of public works. The powers and duties pertaining to each of said departments shall be fixed by the president of the said board of commissioners, and altered from time to time as he may deem best, for the good of the service.

Section 8. Said board of commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said board from time to time, and publicly announced by it, and it may hold such adjourned, called and other meetings as may be necessary or convenient. The president of the board, when present, shall preside at all meetings of said board but shall have no veto power. A majority of the total number of members of said board shall constitute a quorum for the transaction of any and every business to be done by said board, and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of

said board shall be necessary and sufficient for the passage of any resolution by law or ordinance, for the transaction of any business of any sort by said board or the exercise of any of the powers conferred upon it by the terms of this act or that may be hereafter conferred upon it, by this Act, except remitting fines, penalties and imprisonment. This provision shall not be construed however, so as to prevent the said board from delegating or assigning to one or more of its members, or to such boards, commissioners, officers or employees as may be created or selected by it the performance of such executive or judicial duties, and powers that are by this Act vested in said board of commissioners, as may be necessary or convenient, provided the same is done by resolution, by law or ordinance duly enacted according to the terms of this Act, where not otherwise provided. All meetings of said boards of commissioners shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvement, enacting any regulations, concerning the public comfort, the public safety or public health or of any other general or permanent nature, shall be enacted, except at a regular or adjourned public meeting of said board, provided that a meeting of the board of commissioners of said city may be called at any time to consider an act upon any emergency that involves the public safety or public health, when not otherwise herein provided. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken and the yeas and nays thereon shall be recorded, a record of the proceedings of every such meeting shall be kept in a well bound book and every resolution and ordinance passed by the board of commissioners must be recorded in such book and a record of the proceedings of the meeting be signed by at least two of the commissioners before the action taken shall be effective such record shall be kept available for inspection by all citizens of such city, at all reasonable times.

Section 9. No resolution, by-law or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of any city organized under the provisions of this act either in, under, upon, along, through or over same shall take effect and be in force until thirty days after the final enactment of same by the board of commissioners and publication of said resolution, by-law or ordinance in full once a week for three consecutive weeks, in some daily newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution, by-law or ordinance, or during the time intervening between the final passage

and the expiration of the thirty days during which publication shall be made, as above provided, the legally qualified voters of said city may, by written petition or petitions, addressed to said board of commissioners, object to such grant, and if, during said period, such written petition or petitions signed by at least one thousand legally qualified voters of such city shall be filed with said board of commissioners, said board shall forthwith order an election at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said by-law, resolution or ordinance. In the call for said election, the said resolution, by-law or ordinance making said grant, shall be published in said city, by one publication. If at such election, the majority of the votes cast shall be infavor of said ordinance, and the making of the said proposed grant, the same shall thereupon become effective, but if a majority of the votes so cast shall be against the passage of the said resolution, by-law or ordinance and against the making of said grant, the said by-law, resolution or ordinance shall not become effective, nor shall it confer any rights, powers, or privileges of any kind, and it shall be the duty of the said board of commissioners after such result of said election shall be determined to pass a resolution or ordinance to that effect. No grant of any franchise, or lease, or right of user, or any other right, in, under, upon, along, through or over the streets, public highways, thoroughfares or public property of any such city shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation except by resolution or ordinance, duly passed by the board of commissioners, at some regular or adjourned public meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given, except in the manner and subject to all the conditions herein provided for, as to the original grant of same. It is expressly provided, however, that the provisions of this Act shall not apply to the grant of sidetracks or switching privileges to any railroad or street car company for the purpose of reaching and affording railway connections and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further that said sidetrack or switch shall not extend for a greater distance than one thousand three hundred and twenty (1,320) feet. All franchises or privileges heretofore granted, which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise at the time of the adoption of this Act, are hereby declared forfeited and of no validity and it shall be the duty of the commission to carry out the provisions of this section by the enactment of ordinances repealing said franchises, provided this act shall not apply to any franchise in which

the ordinance granting the same shall have fixed a time within which work shall commence or be completed thereunder and such time shall not have expired at the time of the adoption of this Act. No exclusive franchise shall ever be granted and no franchise shall ever be granted for a longer term than thirty years, and no franchise shall be renewed before one and one-half years of its expiration. When any person or corporation holding a franchise for the location, construction or operation of a railroad over a portion of any street and said franchise has not expired, shall subsequently apply for a franchise to locate, construct or operate a railroad on any portion of the same street or upon any other street in connection therewith, said second franchise shall only be granted for the unexpired term of first franchise. No such grant, right, privilege or franchise shall ever be made to any person, firm, or corporation or association unless it provides for adequate compensation or consideration therefor to be paid to such city, and in addition to any other form of compensation any such grantee shall pay annually such fixed charge as may be prescribed in the franchise ordinance. Whenever any such grant, right, privilege or franchise provides for the payment of a percent of the gross receipts, such grantee shall make and report to the commission all its gross earnings once in six months, and pay into the treasury the amounts due such city at the time said report is made. Said commission shall also have access to and the right to examine all books, receipts, files, records and documents of any such grantees to verify the correctness of such semi-annual statements and to correct the same if found to be erroneous. If such statement of earnings be incorrect, then such payment shall be made upon such corrected statement. Every ordinance granting any franchise may provide that at the expiration of the period for which the franchise was granted, or at any time before, as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself, the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and the property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting

any franchise that the property and plant of the grantee shall at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance. No franchise granted by the city shall ever be leased, assigned or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent. Where the municipality is the owner of and operates a public utility plant, no franchise shall be granted to any person or corporation to operate any competitive plant unless approved first by a vote of the majority of the qualified electors of such municipality, at an election held in accordance with the provisions of this act.

Section 10. That for the advancement of the interest of the city the commissioners may make expenditures for the advertisement of the advantages of the locality and may make contributions together with its commercial organization for that purpose.

Section 11. In every city which shall become organized according to the provisions of this Act, an initial election shall be held on the third Monday in September, 1915, for the election of three commissioners and of the three commissioners elected, that one who received the highest number of votes at the initial election shall be president of the commission and shall have the power of the president therein provided for in this Act. Thereafter an election shall be held on the third Monday in May, 1919, and on the same day of every fourth succeeding year, including the year 1927, and on the third Monday in May, 1931, and on the same day of every fourth suceeding year, for the election of the president and two other members of the board of commissioners to hold office for a term of four years from the first Monday in October in said year and until their successors shall be elected and shall qualify for office. Any person desiring to become an independent candidate at any election which may be held according to the terms of this Act for the office of president of the board or other commissioner may become such candidate by filing in the office of the judge of probate of the county in which said city is situated a statement of such candidacy accompanied by an affidavit taken and certified by said judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be substantially in the following form: "State of Alabama (_____ County), I, the undersigned, being first duly sworn, depose and

say that I am a citizen of the city of_____in said State and county and reside at_____in said city, that I desire to become a candidate for the office of_____in said city for the term of_____years of the election of said office to be held on the_____day of_____next; that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election (signed)_____ Subscribed and sworn to before me by said_____on the_____day of _____19_____and filed in this office for record on said day. _____Judge of Probate." Said statement shall be accompanied by a petition signed by at least one thousand persons who shall be qualified to vote at said coming election, requesting that such person become a candidate for said office at said election. The signers of said petition shall set forth their names in full and their residence addresses and said petition shall be substantially like the following: "We, the undersigned, duly qualified electors of the city of_____and residing at the places set opposite our respective names, do hereby request that the name of_____be placed upon the official ballot as a candidate for the office of_____in said city for the term of_____years at the election to be held in this city on the_____day_____next. We further state that we know said_____to possess the qualifications necessary for said office and to be in our judgment a fit and proper person to hold said office. Witness our hand on this the_____ day of_____19_____." At every such election all ballots to be used by the voters shall be printed and prepared by the said city at its expense. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to the provisions of this Act; and no ballot shall be used at any such election except the official ballot prepared as provided in this Act. At every such election the Judge of Probate, sheriff and clerk of the circuit court of the county in which such city is situated, or a majority of them acting as an appointing board, must not more than ten nor less than five days before the holding of such election, appoint from the qualified electors of the respective voting places three inspectors and two clerks for each place of voting, and a returning officer for each precinct, to act at the place of holding elections in each precinct in such city. All candidates of political parties shall in addition to any affidavit required by such party authority make and file in the office of the judge of probate of the county in which said city is situated the affidavit required to be filed by independent candidates. All elections held under this Act shall, where applicable, and not in conflict with this act, be governed and conducted in all

respects as provided under Chapter 19 of the Code of Alabama. No petition shall be required of party candidates.

Section 12. At every election each voter shall vote for one candidate for each office to be filled and no ballot shall be counted which fails to comply with this requirement, and the candidates receiving the highest number of votes for such office shall be elected thereto. The candidate receiving the highest number of votes in said election shall be declared elected.

Section 13. No person shall be eligible to the office of president or member of the board of Commissioners of any city who is not duly qualified to vote in said city. In case any person after he shall have been elected and duly qualified as such commissioner, shall be declared ineligible to hold such office a successor shall be chosen as in case of a vacancy by death, resignation or from any other cause.

Section 14. Every person who shall be elected to the office of commissioner in any city organized according to the provisions of this act, shall before entering upon the discharge of the duties of the office qualify by making oath that he is eligible for said office, and will execute the duties of the same according to the best of his knowledge and ability. Said oath shall be administered by the retiring mayor or president of the board of commissioners of such city, or by a notary public. The term of office of said commissioners shall begin on the first Monday of October succeeding the election, except as may be otherwise expressly provided by this act. Each commissioner shall before entering upon the duties of his office, give a good and sufficient bond, which may be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of any such city, in the sum of Five Thousand Dollars, conditioned for the faithful discharge of his duties and that he will save such city harmless from all loss caused by his neglect of duty or misfeasance in office or for the willful expenditure of any moneys of such city in violation of law, and said bond before being accepted, shall be approved by the judge of probate, in and for the county wherein such city is situated. The premiums on said bond shall be paid out of the city treasury. No member of the commission nor any person holding an office or profit under them, shall hold any office of profit or trust under the laws of any State or the United States, or hold any county or other city office; nor shall the commission or any commissioner ever be elected or appointed to any office created by or the compensation of which was increased or fixed by the commission, while he was a member thereof, within two years therefrom.

Section 15. No ordinance passed by the commission, except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate pres-

ervation of the public health or safety, which contains a statement of its urgency and is passed by a unanimous vote of the commission shall go into effect before ten days from the time of the final passage, and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast at the last general municipal election held in said city protesting against the passage of said ordinance, be presented to the commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the commission to reconsider such ordinance, and if the same is not entirely repealed, the commission shall submit the ordinance to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition and election shall be in all respects in accordance with the provisions of this Act, except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any city of this class, is hereby repealed.

Section 16. Whenever any vacancy shall occur in the office of the president of the board or any other commissioner of any city organized under the terms of this act then the remaining commissioner of such city shall order an election to be held not less than sixty, nor more than ninety days from the date such vacancy occurs, at which election a successor to said office for his unexpired term shall be voted for. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in such city. Any person desiring to become a candidate for such office at such election shall qualify as provided herein and upon his so doing his name shall be placed upon the official ballot used in said election. The person who shall be elected to such office at such election shall qualify for office as soon as practicable and shall hold office for the unexpired term of his predecessor.

Section 17. Until the first Monday in October 1915 the salary of the president of the commission shall be forty-five hundred dollars ($4500.00) per annum payable in monthly installments at the end of each calendar month out of the city treasury. After the first Monday in October 1915 and until the first Monday in October 1919, the salary of the president of the commission shall be three thousand dollars per annum payable in monthly installments of two hundred and fifty dollars at the end of every calendar month out of the city treasury. After the first Monday in October 1919

the salary of the president of the commission shall be forty-five hundred dollars per annum payable in equal monthly installments at the end of each calendar month out of the city treasury. After the first Monday in October 1919 the salary of each of the other commissioners shall be thirty-six hundred dollars per annum, which shall be paid out of the city treasury in equal monthly installments at the end of each calendar month. After the first Monday in October 1923, the salary of the President of the commission shall be $6,000.00 per annum payable in equal monthly installments at the end of each calendar month out of the City Treasury. After the first Monday in October 1923, the salary of each of the other commissioners shall be $4500.00 per annum payable in equal monthly installments at the end of each calendar month out of the City Treasury, and the President of such Commission shall be paid for ex-officio services in a similar manner the sum of $1500.00 per annum, and each other commissioner shall receive the sum of $600.00 per annum on and after the first Monday in October 1927. On and after the first Monday in October 1931 the salary of the president of the commission shall be $7500.00 per annum payable in equal monthly installments at the end of each calendar month out of the City Treasury. On and after the first Monday in October 1931 the salary of each of the other commissioners shall be $5100.00 per annum payable in equal monthly installments at the end of each calendar month out of the City Treasury. Said salaries shall include amounts heretofore paid for ex-officio services.

Section 18. It shall be legal to hold party mass meetings, conventions or primary elections for the purpose of nominating candidates for Board of Commissioners under this Act. (a) Candidates for president and commissioners of such cities may be nominated in mass meetings, conventions or primary elections as defined in Section 601 of the Code of Alabama, by any political party as defined in Section 602 of the Code of Alabama. (b) All mass meetings, conventions or primary elections under this Act shall be held on the third Monday in March 1931 and every four years thereafter for the nomination of candidates for president and commissioners of said cities, by all political parties as herein defined. (c) The beat or precinct committeemen of the county executive committee of precincts, located within or partly within said cities, shall constitute the executive committee of the political parties as defined in this Act, until committees are elected as herein provided. Said committee shall elect a chairman who shall have all the power and authority of the chairman of other committees of like character. There shall be elected in the first primary held under this act by the different political parties a committee composed of one member from each beat located within or partly within said cities and every four years thereafter. Said committee shall have all power

and authority that is exercised by similar committees of the different political parties under Chapter 20 of the Code of Alabama, when not in conflict with this Act. (d) The expense of such primary elections shall be paid in the same manner and to the same extent as is or may be provided by law for the payment of expenses of the city elections held under this Act. (e) The said committee hereby created, or other governing authority, shall, at least twenty days prior to the holding of such primary election, certify to the judges of probate of the counties in which said cities are located, the names of all candidates of their parties running for office, who are to be voted for by the voters of said cities and the judges of probate of said counties, in which said cities are situated, shall in the manner and form provided for, prepare all ballots for such primary election. (f) When it shall be desired by the city executive committee or governing authority of any political party to enter the primary election held under the provision of this Act, said committee shall give notice thereof by advertising in some newspaper published in said city at least once a week for three consecutive weeks prior to such primary elections. (g) All persons who are qualified electors under the general laws of this State shall have the right to participate in such primary elections, subject to such political or other qualifications as may be prescribed by the city executive committee or governing body of such political party. (h) Separate official ballots and other election stationery, supplies for each political party shall be printed and furnished for use at each ward or precinct and shall be of a different color for each of the political parties participating in such primary election. Across the top of the ballots shall be the words "Official Primary Election Ballot". Beneath this heading shall be printed the year in which said election is held and the words "Democratic Party" or "Republican Party" or other proper party designations. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidate seeks nomination and in the proper place the words "Vote for One" or "Vote for Two" (or more according to the number to be elected to such office at the ensuing election.) (i) The names of the candidates for each office shall be printed in alphabetical order according to surnames, and the official ballots for primary election shall be printed in substantially the following form.

Official Primary Election Ballot

_____Party

Make X Mark Opposite Your Choice

Ward, District or Precinct Number_____

City of_____

For President of Commission

Vote for One

John Doe

Richard Roe

For Commissioners
Vote for Two
Buck Doe
John Doe
Abe Martin
Richard Roe

(j) Where more than one political party has entered such primary election, the proper officials shall furnish to the election officials of each voting place, separate ballot boxes for each party participating in such primary. Said boxes shall be distinctively marked and the ballots of the electors of each party shall be deposited in the box assigned to and designated to that party. The returns, certificates or official list of voters, ballots, tally sheets and affidavits as to challenged votes, after the canvass of the votes shall be deposited in the ballot box of the party to which they relate. (k) At the close of the primary election at each polling place and nowhere else, the inspectors and clerks shall proceed forthwith without adjournment in a manner provided by law, in case of general election, to count the vote and make return thereof as provided by law in the case of returns of general elections. (1) The following are samples of the tally sheets and instructions for the using same in such primary elections.

Form

_____Primary Election

Names of Candidates	Votes Received
John Doe	
Richard Roe	

(m) The counting of the ballots and the results shall be publicly proclaimed. Separate certificates for each of the political parties entering said primary and results of said election shall be drawn up by said inspectors and clerks at each and every election district, precinct or ward, which shall contain all matters and things provided for in the law regulating general elections. Said certificate in this respect shall be in the following form:

We hereby certify that

John Doe - Candidate for_____received_____Votes

Richard Roe - Candidate for_____received_____Votes

Said certificate shall be signed by each of the inspectors; one copy of same shall be forthwith posted in a conspicuous place at such polling place. A copy shall be deposited with the proper committee or governing authority of each of the political parties participating in the primary at such place as the committee or governing authority shall designate at which to receive such returns. (n) The city executive committee herein created or other governing authority of the parties participating in said primary shall, not later than Friday at noon following the election, receive the returns, canvass the same and declare the results of said primary election. The candidate for president of the Commission receiving a majority of the votes cast shall be declared nominated for the said office. If no candidate shall receive such a majority of votes cast, then the nomination of such office shall be between the two candidates receiving the highest number of votes cast, to be decided in a second primary as herein provided. The candidate or candidates for commissioners receiving the highest number of votes cast for said office shall be declared nominated therefor, provided the votes received by said candidate or candidates shall be the majority of all votes cast for such office. In determining the number of votes cast for such office the total number of votes received by all candidates therefor, divided by the number of candidates to be nominated for such office shall be taken as a total vote cast for such office. If no candidate or if any place or places be not filled in accordance with the above, the nomination shall be decided as follows; twice as many candidates shall be considered as there are places to be filled and only those candidates receiving the highest number of votes shall be eligible to run in the second primary election as herein provided and no other name shall be printed on the ballot. The candidates receiving the majority of votes in such second primary shall be declared nominated for said office. The purpose of providing for a double primary is to insure the majority rule and that all candidates of said party shall receive a majority of votes cast in said primary. (o) The said city executive committee or other governing party or authority shall order a second primary election, to be conducted under the same rules and regulations as the first, to be held one week from the date of the said first primary for the nomination of candidates as herein above provided. A ballot commonly known as a single shot shall not be counted. Where two candidates or more are to be nominated for the same office, the voter must express his choice for as many caniddates as there are offices to be filled. (p) Within not less than twenty days before the general city election to be held under this act, the said city executive committee or other governing authority shall certify to the Judge of Probate of the county in which said city is situated the name or names of each such nominee of their party as the candidates of such party

for the general city election to the office for which he is nominated. (q) Each candidate for nomination may, at least twenty days before the primary present to the city executive committee of his party a list of election officers desired by him for any one or more of the districts, wards, or precincts; and his city committee shall so far as practicable, make up from the list so presented to it a list of names of election officers, six in number, for each district, ward or precinct, which it will nominate to the appointing board as herein provided for appointment as officers to conduct the primary election, and the City committee shall present the list so made up by it to the said appointing board which appoints the election officers to conduct election for said cities, or at any other lawful time, which appointing board from the list so presented to it by the city committee shall select and appoint the officers to conduct the primary election, observing the above rule as to representation wherever more than one party enters the primary and in the latter case if a city committee has not given a sufficient number of names for a box, then the appointing board shall supply the deficiency from electors of that party. (r) All nominations held under this act may be contested, within five days after the result has been declared, under the same conditions and on the same grounds as provided in the general election laws as to state and county officers, and as provided in this act. Such contest shall be heard and tried by the city executive committee; and whenever there is no city executive committee as above provided, then by any other governing authority of said political party. (s) The chairman of the city committee, upon the filing with him of any contest as herein provided, shall within five days call said committee together at the county seat, in which said city is located, at a time not less than ten days nor more than twenty days after the filing of such contest, to hear and determine the same. (t) Either party to said contest shall have the right of appeal to the county executive committee from the final decision of the city committee upon the same. Notice of such appeal must be filed with the county executive committee within ten days after the determination of such contest by the city executive committee, and at the time of filing such notice, such appellant shall deposit with the said county committee the sum of one hundred dollars to cover such costs and expenses as may be incurred by the county executive committee to hear and determine said appeal. (u) That the city executive committee or other governing authority of any political party whenever it deems it desirable or necessary may require an enrollment of the voters of such party in such city at any time not less than thirty days nor more than ninety days from the date of holding any primary election under this act, and at such primary elections only those voters of such political party who are lawfully enrolled shall be permitted

to participate therein. This enrollment shall be made by a committee of three qualified party voters designated by said city executive committee or other governing authority of such party in such city. Such enrollment of voters shall be made at the county seat of the county in which said city is located, after giving at least twenty days notice of the time and place of such enrollment. In the event that any applicant is refused enrollment, then upon his sworn statement that he is a qualified voter of the city and possesses the qualifications prescribed by the party calling such primary election, then his name shall thereupon be enrolled upon said list of voters. Any person who wilfully and falsely makes any such sworn statement shall be guilty of perjury. Each applicant for enrollment shall give his name, age, the postoffice address and the number of his voting precinct, ward or district. The list of names enrolled shall be arranged by the enrolling committee alphabetically by precinct or voting place and a copy of such list shall be filed by such enrolling committee with the city executive committee at least twenty days prior to the day of the holding of such primary election for which the enrollment is made. The city executive committee shall furnish to the inspectors for such primary election in each precinct one or more copies of the enrolled voters for such precinct and such list of enrolled voters shall be those and only those entitled to participate in such primary election provided that any voter who may be otherwise qualified to participate in such primary election, but because of sickness, absence from the city or because of some other absolutely unavoidable reason was unable to secure enrollment during the period prescribed by the committee for enrollment under the provisions of this act, upon his sworn statement in writing setting out in full the reasons which unavoidable prevented his enrollment, shall by the inspectors be permitted to participate in such election even though his name is not upon the enrolled list of voters in such precinct. Any person who makes any sworn statement knowing such statement to be false shall be guilty of perjury. (v) Any qualified elector of this state whose name at the time of such primary election appears on the official list of qualified voters in said city and who may at any primary election hereafter held pursuant to law in this state, by reason of his regular business and in the performance of his regular duties, be absent from the city in which he is a qualified elector, may vote in such primary election in the manner and under the regulations hereinafter prescribed with like effect as if he were casting his vote in person at his regular and proper polling place. (w) The absent voter so entitled to vote, provided at the time he requests such ballot his name is on the official list of qualified electors in such city, may procure from the judge of probate of the county of his residence, an official ballot of the party with which such voter

is affiliated, or with which he desired to affiliate in such election, and such voter shall make and subscribe the oath or affidavit hereinafter set out, and attach the same to his ballot, and forward the said ballot and affidavit in a sealed envelope by mail, postage prepaid, or otherwise, to the chairman of the city executive committee of the political party with which such voter is affiliated, or other authority as provided in sections 679 and 680 of the Code of Alabama. The chairman of the city executive committee, or other authority as provided, shall endorse on said envelope over his signature the date and hour of the receipt thereof by him, and shall safely keep the said ballot without breaking the seal thereof, and deliver the same on election day to the officers of election at the voting place of said absent voter, when and where said election officers shall open said envelope, and in the event the name of such absentee voter appears on the official list of qualified voters for said city and for said precinct or district, shall check his name off of such official voting list and cause the said ballot to be duly and properly recorded, subject, however, to challenge as in other cases provided for. The same shall be handled in all respects as if the said absentee voter were present and voting in person. (x) The judge of probate of any county in this state in which said city is situated, upon application of any qualified elector of his city, not more than twenty nor less than five days before any primary election is to be held in this state, shall deliver or forward immediately upon request of any voter in person, by agent, letter or wire to such applicant an official ballot and printed form of oath as provided for in the preceding section, for use in such election, with an envelope addressed to the chairman, or in case of vacancy in the chairmanship or disability of the chairman of the city executive committee of the party holding said election, to the secretary thereof; and in the event of a vacancy in the chairmanship and secretaryship or disability of the said chairman and secretary, then the envelope shall be directed to the judge of probate of the county in which said city is situated. The envelope in which such absent voter transmits his ballot shall be addressed to the chairman of the city executive committee of the political party with which said absent voter is affiliated, or other authority as provided for under the second preceding section, and shall be endorsed on the left hand upper corner thereof substantially as follows: "Absent Voters Ballot." Primary election to be held on the_____day of _____19_____. From (name of voter), elector of precinct or district_____, city of_____, State of Alabama. (y) The form of oath or affidavit which shall be attached to and accompany such ballot by such absent voter shall be sworn to before an officer authorized to take acknowledgments to deeds and shall be substantially as follows: "State of Alabama,

County of_____. Before me,_____a _____for said county and state this day personally appeared_____, who is (made) known to me, and who, being duly sworn, deposes and says: that his name is_____ _____; that he is a bona fide resident and qualified elector of precinct or district_____city of_____ State of Alabama; that he has not voted in the primary election to be held on the_____day of_____, 19_____ and is entitled to vote therein as a member of the_____party. That he will be absent from the city of his residence on the day of the primary by reason of his regular business and in the performance of his regular duties. That he subscribes to all the conditions and qualifications laid down by his party committee as a requisite for participation in said primary, and that he is familiar with such conditions and qualifications. (Signature of affiant.) Sworn to and subscribed before me this_____day of_____ 19_____." The officer before whom such affidavit is made shall make the following jurat: "The above named_____ appeared before me on the_____day of_____19_____ and being first duly sworn, did subscribe to the above affidavit: _____I further certify that said applicant is known to me personally as being the identical party he claims to be." (z) All primary elections held under this act shall, where applicable, and not in conflict with this act, be governed and conducted in all respects as provided under Chapter 20 of the Code of Alabama.

Section 19. Every commissioner elected by popular vote in any such city shall, within thirty days after qualifying, file with the Judge of Probate of the county and the same shall be published at least once in a newspaper of general circulation in such city, his sworn itemized statement of all his election and campaigning expenses and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor punishable by a fine of not more than three hundred dollars and be a ground for removal from office.

Section 20. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work or material, for the profits thereof, or service to be furnished or performed by the city; and no such officer or employee shall be interested, directly or indirectly, in any contract for work or materials or the profits thereof or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line, or telephone exchange, within the territorial limits of said city. No such commissioner or other official of such city shall be interested in, or any employee or

attorney of any corporation operating any public service utility hereinabove mentioned and described in this act within said city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation, operating within the territorial limits of said city, any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value or any service upon terms more favorable than are granted to the public generally. Any violations of the provisions of this act shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor to policemen in the discharge of their duty, nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this act.

Section 21. That all police officers and policemen, all officers of the fire department and firemen in any city organized under the provisions of this act who shall have honorably served in and been a member of the police or fire department of any such city, or of the municipal organization for twenty years continuously, which such city has immediately succeeded, and who shall have attained the age of fifty years, shall upon his application in writing to the commission of such city, be relieved and retired from active service in such police department or fire department, upon half pay, that is to say, said policeman or fireman upon being so retired, shall receive and be paid for and during his natural life an amount of money equal to one-half the salary or pay which such policeman or fireman was receiving at the time of making such application, the same to be paid monthly out of any funds that may be in the treasury of such city, not otherwise appropriated, provided, that the amount to be paid to any one employee hereunder shall not exceed forty dollars per month. That any officer or policeman or fireman in any such city who shall have become permanently disabled, by reason of any injury received while in the service as a member of said police or fire department, shall, upon his application in writing to the board of commissioners be relieved and retired from active service in said police or fire department upon half pay, that is to say such fireman or policeman upon being so retired, shall receive each month an amount of money equal to one-half the salary or pay which such fireman or policeman was receiving

at the time of receiving such injury while in the discharge of his duties as an officer, the same to be paid, monthly, out of any funds in the city treasury. The board of commissioners shall determine and pass upon whether such disability complained of is permanent or not, and to this end shall receive any evidence in testimony offered by such applicant and may hear and consider any other testimony or evidence which the said commission or other body shall cause to come before it; and shall render judgment in said cause, which shall be kept in the minutes of the proceedings of such commission, whether it shall come to the knowledge of such commission that any fireman or policeman whom they had adjudged to be permanently disabled has recovered from such disability, so as to enable him to earn a livelihood, then the commission may reconsider its former action and withdraw from such fireman or policeman for the future, the aforesaid half pay. Provided further, that the monthly payment to any fireman or policeman on account of permanent disability as provided in this act shall not exceed as to any one such fireman or policeman, the sum of forty dollars per month. The board of commissioners is authorized to make all necessary or proper rules and regulations effectuating the intention of this section. Any officer or policeman who shall avail himself of the provisions of this act, shall nevertheless remain members of said police department and while relieved of regular duty shall constitute a reserve of said police department, and be at all times subject to the performance of any duty that may be required by the governing body of said city; provided that no such fireman or policeman who possesses independent means of livelihood shall come within the provisions of this act.

Section 22. At the end of each year the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants and shall publish the result of such examination.

Section 23. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any election provided for in this act, or any voter entitled to vote at such election, receiving and accepting such bribe or other consideration, any person making false answer to any of the provisions of this act relative to his qualifications to vote at said election (any election) any person willfully voting or offering to vote at such election who has not been a resident of this State for two years next preceding such election, or who is not twenty-one years of age, or not a citizen of the United States, or knowing himself not to be a qualified voter of such precinct, where he offers to vote, any person knowingly procuring, aiding or abetting any violations thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than

one hundred dollars nor more than five hundred dollars, and may be imprisoned in the county jail for not less than ten nor more than ninety days.

Section 24. The appointment and employment of each and every officer and employee of said city, except the health officer and such person as may be employed by him to enforce quarantine, and such other officers and employees as are designated in this act and the removal of said officers and employees shall be approved by the president of the Board of Commissioners before such appointment, employment or removal shall become effective.

Section 25. Effective the first Monday in October 1919, there is hereby created in every such city the officer of recorder of such city, and it shall be the duty of the board of commissioners of such city as soon after said date as is practicable to elect a recorder for such city, who shall have all the powers and jurisdiction which now is or hereafter may be conferred by law upon recorders of cities in the State of Alabama. Such recorder shall hold office at the pleasure of the board of commissioners and said board of commissioners shall fix his compensation and the manner and time of its payment. Whenever the recorder shall be unable for any reason to perform the duties of his office then the president of said board of commissioners shall designate some person possessing the qualifications of recorder, as provided in this act, to act during the disability of the said recorder, and such person designated, when acting as recorder shall have all the powers and jurisdiction conferred by law upon recorders in the State of Alabama. No fines, penalties or other form of punishment fixed by such recorder shall be set aside except with the consent and sanction of the president of the commission in writing, which consent shall set forth the reason for such action. Provided that no person shall be eligible to the office of recorder of such city who is not a duly qualified elector of such city and who shall not have been admitted to the practice of law in the State of Alabama.

Section 26. All general laws of this State regulating and prescribing the conduct of municipal elections, and the qualifications and registration of voters thereat, shall apply to elections hereunder except so far as expressly modified herein.

Section 27. The judge of probate of the county in which are located the cities covered by this act shall record in a well bound book kept for that purpose all papers required to be filed with him under the terms of this act, and shall receive therefor the compensation allowed by law for recording deeds.

Section 28. It shall be unlawful for any candidate for commissioner, or for any other person in his behalf, to hire, or pay, or agree to pay, any person to solicit votes at the polls on election, and unlawful for any person to accept such hire, or make such

contract for pay to solicit votes for commissioners, and any person violating this act shall be guilty of a misdemeanor, and may be punished by a fine not to exceed five hundred dollars for each offense, and the candidate violating this act shall hereby be disqualified for and rendered ineligible to the office sought.

Section 29. No candidate for the office of commissioner can lawfully expend more than three thousand dollars of his own funds, and of funds contributed by others in aiding his candidacy in any one election. Any person violating the provisions of this act shall hereby be disqualified from holding said office, if successful and his election may be contested on that ground. No person but a qualified voter shall sign any petition authorized by this act. All petitions must contain the certificate of the probate judge as to the requisite number of voters required and it shall be the duty of the probate judge of the county to ascertain that such petition does contain the requisite number of voters and attach his certificate to such a petition. The probate judge shall receive as compensation for such service ten cents for each name up to and including one hundred and two cents for each name over that number which said petition may contain. Security for the payment of such cost to be approved by the probate judge must be given at the time of the presentation of the petition by the person or persons filing the same.

Section 30. The petitions provided by this Act may be by a number of separate instruments as well as by one instrument. No person but a qualified voter shall sign any petition provided by this act. And no person shall sign the name of another to any such petition whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this act shall constitute a misdemeanor punishable by fine not to exceed three hundred dollars. No qualified voter who has signed any petition provided for herein can withdraw his signature.

Section 31. Any city which shall have operated for more than four years under the provisions of this act may abandon such organization hereunder, and accept the provision of the general laws of the State then applicable to cities of its population by proceeding as follows: Upon the petition of not less than three thousand qualified electors of such city a special election shall be called at which the following proposition only shall be submitted: "Shall the City of_____abandon its present organization and become a city under the general laws governing cities of like population?" If a majority of the votes cast at such special election shall be in favor of such proposition the officers elected at the next succeeding election shall be those then prescribed by the general

laws of the State for cities of like population, and upon the qualification of such officers, such city shall become a city under such general law of the State and the terms of office of the city under the commission shall expire. The sufficiency of such petition shall be determined, the election order and the conduct and the results declared as provided in this act for other special elections, in so far as the provisions thereof are applicable. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision of such act which is not of itself void or unconstitutional.

Section 32. Every officer or employee of any city organized under the provisions of this act and who has been or may be selected or elected by the board of commissioners, of such city, or whose compensation either wholly or in part is paid out of the treasury of such city, shall be selected or elected by the board of commissioners of such city, shall hold office at the pleasure of the board of commissioners and shall be removable by the Board of Commissioners.

Section 33. That an Act entitled, 'An Act to provide and create a Commission form of Municipal Government and to establish same in all cities of Alabama which now have, or which may hereafter have, a population of as much as Twenty-five Thousand (25,000) and less than Fifty Thousand (50,000) people according to the last Federal Census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen, and certain other city officials and otherwise provide for the creation and maintenance of said Commission form of government, (Approved September 18, 1923)' as amended by subsequent Acts, be and the same is hereby repealed. That 'An Act to amend Section 22 of an Act to provide and create a commission form of Municipal Government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as Twenty-five Thousand (25,000) and less than Fifty Thousand (50,000) people according to the last Federal Census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen, and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government, (Approved September 18, 1923)' which became a law under Section 125 of the Constitution

of Alabama, be and the same is hereby repealed. That, 'An Act to amend Section 17 of an Act entitled, an Act to provide and create a commission form of Municipal Government and to establish same in all cities of Alabama which now have, or which may hereafter have, a population of as much as Twenty-five Thousand (25,000) and less than Fifty Thousand (50,000) people according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen, and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of Government, Approved September 18, 1923, (Approved August 27, 1927)', be and the same is hereby repealed. That an Act entitled, 'An Act to amend the title and Sections 1, 7, 8, 11, 12, 14, 16, 18, and 25 of an Act entitled, An Act to provide and create a Commission form of Municipal Government and to establish same in all cities of Alabama, which now have, or which may hereafter have, a population of as much as Twenty-five Thousand (25,000) and less than Fifty Thousand (50,000) people according to the last Federal Census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office; to fix their powers, duties, and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of Government, approved September 18, 1923, (Approved February 9, 1931)', be and the same is hereby repealed. That all laws and parts of laws, both local and general, in conflict with the provisions of this act are hereby repealed. This Act shall take effect immediately upon its approval by the Governor."

Approved March 4, 1931.

No. 61.) (S. 22. Riddle.

AN ACT

To further provide for the enrollment and attendance at the Alabama Institute for Deaf and Blind of all deaf and blind children in Alabama between the ages of seven and sixteen years and to provide for the prosecution of those parents or guardians who wilfully refuse to enroll in such school their children or to permit their attendance after enrollment.

Be it Enacted by the Legislature of Alabama:

Section 1. Beginning September first one thousand nine hundred thirty-two, it shall be the duty of any parent, guardian, or

other person having control of any deaf or blind child between the ages of seven and sixteen years and so handicapped, by deafness, blindness, or inability to speak, as to be unable to make satisfactory progress in the public schools of the community in which such child resides to enroll such child in the Alabama Institute for Deaf and Blind located at Talladega, Alabama, not later than five days after the opening of this school and to keep such child in school during each scholastic year for a term of thirty-six weeks, or for the length of the school term.

Section 2. The following children, when issued a certificate of exemption by the County Superintendent of Education, when the child resides in territory under the control of the County Board of Education, or the City Superintendent, when the child resides in territory under a City Board of Education, shall not be required to attend the Alabama Institute for Deaf and Blind: (a) a child whose physical or mental condition is such as to render inadvisable his attendance at the aforesaid school, such mental or physical condition to be determined by the County Health officer before the issuance of certificate of exemption; (b) a child who may be attending a public or private school, within or without the State of Alabama, in which the instruction is of such character as to promote the education of the child and be equivalent to that offered at the Alabama Institute for Deaf and Blind, the rating of such school to be determined by the State Superintendent of Education.

Section 3. It shall be the duty of the County Superintendent of Education in each County of Alabama, not later than the first day of August one thousand nine hundred thirty-two, and each year thereafter, to furnish the Attendance Officer of his county and the Superintendent of the Alabama Institute for Deaf and Blind a list of the deaf and blind children of his county with the name, sex, age, and address of each, together with the name and address of the parent or guardian of each child, such information to be secured from the school census enumeration books of the county, or from any other reliable source, and the Attendance Officer shall visit the home of each child not later than five days after the opening date of the Alabama Institute for Deaf and Blind as published by the Superintendent of this institution by giving written notice to each County Superintendent of Education and each City Superintendent of Education in Alabama; and if it is found that any child eligible to the benefits of this school is not enrolled or is not exempt under the provision of Section 2 of this Article shall serve legal notice on the parent, guardian, or other person in control of such child, giving him five days in which to enroll said child in the Alabama Institute for Deaf and Blind, and, in the event of the failure or refusal of such parent, guardian, or other person in charge to enroll said child, shall proceed against such parent, guardian, or other person as though said child were a hearing or seeing child

and shall follow the law as set forth in Article Sixteen, Section 305, of the School Code of Alabama adopted August 27, 1927, and reading as follows: Each parent, guardian, or other person having control or charge of any child required to attend school or be regularly instructed by a private tutor, who fails to have such child enrolled in school or who fails to send such child to school or have him instructed by a private tutor during the time such child is required to attend a public school, private school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require such child to regularly attend such school or tutor, or fails to compel such child to properly conduct himself as a pupil, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred ($100.00) dollars, and may also be sentenced to hard labor for the County for not more than ninety (90) days. The absence of a child without the consent of the principal teacher of the school he attends or should attend, or the tutor who instructs or should instruct such child shall be prima facie evidence of the violation of this section.

Section 4. Prosecution under this Act may be begun by the County Superintendent of Education, the Attendance Officer, the Superintendent of Child Welfare, or the Superintendent of the Alabama Institute for Deaf and Blind, and it shall be the duty of the Circuit Solicitor or County Solicitor in whose circuit or county such offending parent, guardian, or other person having control of such derelict child may reside to prosecute the case.

Section 5. This Act shall not repeal directly or by implication any statute pertaining to the Alabama Institute for Deaf and Blind but shall be in addition to all such existing statutes.

Approved February 25, 1931.

No. 62.) (S. 39. McDowell.

AN ACT

To authorize any banking corporation or trust company organized under the laws of this State to be converted into or consolidated with a national banking association under the laws of the United States and to provide for the vesting in such national banking associations of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all of the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation.

Be it Enacted by the Legislature of Alabama:

Section 1. That any banking corporation or trust company organized under any general or special law of this State may, with

the consent of the holders of a majority in amount of its stock, obtained at a meeting of the stockholders called therefor, be converted into or consolidated with a national banking association in such manner as may, at the time of such conversion or consolidation, be prescribed by the laws of Congress, and the stock of such state banking corporation or trust company may be exchanged for stock in such national banking association upon such terms as the consenting stockholders may, at the meeting at which the conversion or consolidation is authorized, determine, or upon such terms as the holders of a majority of the stock of such state banking corporation or trust company may, at any other meeting called for such purpose, determine.

Section 2. All meetings of stockholders, called for any of the purposes provided for in the preceding section, shall be called by resolution of the Board of Directors, and notice of such meeting and of the purposes thereof shall be published once a week for thirty days prior to the date of such meeting in some newspaper published in the city, town or village in which the principal place of business of said state banking corporation or trust company is located, but if no daily or weekly newspaper is published in such place, then the publication shall be made in a newspaper published nearest thereto.

Section 3. That at the time when such conversion of or consolidation by the state banking corporation or trust company with a national banking association, under the charter of the latter, becomes effective, all the property of the state banking corporation or trust company, including all its rights, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or benefit then existing, belonging or appertaining to it or which would inure to it, shall immediately, by act of law and without any conveyance or transfer, and without any further act or deed, be vested in and become the property of the national banking association, which shall have, hold and enjoy the same in its own right as fully and to the same extent as if the same were possessed, held and enjoyed by the state banking corporation or trust company.

Section 4. That upon such conversion or consolidation becoming effective the national banking association shall be deemed to be a continuation of the entity and of the identity of the state banking corporation or trust company and all the rights, obligations and relations of the state banking corporation or trust company to or in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust, and in, or in respect to, any executorship or trusteeship or other trust or fiduciary function, shall remain unimpaired, and the national banking association as of the time of the taking effect of such change or consolidation

shall succeed to all such rights, obligations, relations and trusts, and the duties and liabilities connected therewith, and shall execute and perform each and every such trust or relation in the same manner as if the national banking association had itself assumed the trust of relation, including the obligations and liabilities connected therewith. If the state banking corporation or trust company is acting as administrator, co-administrator, executor, co-executor, trustee or co-trustee of or in respect to any estate or trust being administered under the laws of this state, such relation, as well as any other or similar fiduciary relations, and all rights, privileges, duties, and obligations connected therewith shall remain unimpaired and shall continue into and in said national banking association from and as of the time of the taking effect of such conversion or consolidation, irrespective of the date when any such relation may have been created or established and irrespective of the date of any trust agreement relating thereto or the date of the death of any testator or decedent whose estate is being so administered. Nothing done in connection with the consolidation of a state banking corporation or trust company with a national banking association, shall, in respect to any such executorship, trusteeship or similar fiduciary relation, be deemed to be or to effect, under the laws of this state, a renunciation or revocation of any letters of administration or letters testamentary pertaining to such relation, nor a removal or resignation from any such executorship or trusteeship or other fiduciary relationship, nor shall the same be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act.

Section 5. That all laws and parts of laws in conflict herewith be, and the same hereby are repealed.

Approved February 25, 1931.

No. 63) (H. 224. Tunstall.

AN ACT

To make an appropriation for the Governors' Interest Contingent Fund.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, annually, the sum of Two Hundred Fifty Thousand ($250,000.00) Dollars, or as much thereof as may be necessary to be used by the Governor in his discretion, in the payment of interest as needed, to be known as the Governor's Interest Contingent Fund.

Approved February 20, 1931.

No. 64) (H. 231. St. John.

AN ACT

To amend an Act entitled, "An Act to amend an Act approved September 29, 1923, entitled, 'An Act to provide for and regulate further the Banking Department for the State of Alabama to the end of better regulating the examinations and supervisions of banks and banking in this State," (Approved February 18, 1927).

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled, "An Act to amend an Act approved September 29, 1923, entitled, 'An Act to provide for and regulate further the Banking Department for the State of Alabama to the end of better regulating the examinations and supervisions of banks and banking in this State," (Approved February 18, 1927), be and the same is hereby amended so as to read as follows: Section 1. The Superintendent of Banks, with the approval of the Governor, may appoint a Deputy Superintendent of Banks and may, with the approval of the Governor, from time to time, employ not exceeding six persons as Examiners and not exceeding four Assistant Examiners and one Office Assistant and may, with the approval of the Governor, employ such number of Stenographers not exceeding three, as may be needed to aid him in the discharge of the duties imposed upon him by law. The Deputy Superintendent of Banks shall perform such duties as shall be assigned to him by the Superintendent of Banks and shall have the same powers and authority and be subject to the same duties and liabilities as the Superintendent of Banks, during the absence of the said Superintendent from the office. The bond of the Deputy Superintendent of Banks shall be the same as that of the Superintendent of Banks, subject to the same conditions and the premium thereon shall be paid in same manner as that of the bond of the Superintendent. The Examiners, Assistant Examiners, Office Assistant, and Stenographers, employed as herein provided shall perform such duties as may be assigned to them by the Superintendent of Banks. The Superintendent may in his discretion dispense with the services of any of his office force, including the Examiners. The Deputy Superintendent of Banks shall receive an annual salary to be fixed by the Superintendent of Banks, with the approval of the Governor, not to exceed Four Thousand Two Hundred ($4200.00) Dollars. The Office Assistant shall receive a monthly salary not exceeding Two Hundred Fifty ($250.00) Dollars, to be fixed by the Superintendent of Banks, with the approval of the Governor, for the time actually employed. The Examiners shall each be paid a salary to be fixed by the Superintendent of Banks with the approval of the Governor, not exceeding Two Hundred Fifty ($250.00) Dollars per month for the time actually employed. Each Assistant Examiner shall receive a salary to be fixed

by the Superintendent of Banks, with the approval of the Governor, not to exceed One Hundred Fifty ($150.00) Dollars per month for the time actually employed, and each Stenographer shall receive a salary to be fixed by the Superintendent of Banks, with the approval of the Governor, not in excess of One Hundred Fifty ($150.00) Dollars per month for the time actually employed. Such salaries shall be paid monthly on the certificate of the Superintendent of Banks on warrants drawn by the State Auditor on the State Treasurer. The necessary traveling expenses in the discharge of their duties of the Superintendent of Banks, Deputy Superintendent of Banks, Office Assistant, Examiners and Assistant Examiners, employed as herein provided shall be audited by the State Auditor, approved by the Superintendent of Banks and paid monthly by warrants drawn by the State Auditor on the State Treasurer.

Section 2. Be it further enacted that all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved February 20, 1931.

No. 65.) (H. 14. Taylor.

AN ACT

To Amend Section 1 Of An Act, Entitled, An Act To Provide For The Appointment Of Deputy Registers And Deputy Clerks For Circuit Courts In All Judicial Circuits In The State Having More Than Two And Less Than Five Circuit Judges; To Prescribe The Duties And Fix The Compensation And Salary Of Such Deputies Approved, February 12th, 1927:

Be it Enacted by the Legislature of Alabama:

That Section 1 of an Act, entitled, an Act to provide for the appointment of Deputy registers and deputy clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and Salary of such deputies—Approved February 12th, 1927, be, and the same is amended so as to read as follows:

Section 1. That in all Judicial Circuits in this State having more than two and less than five Circuit Judges, the register shall, subject to removal at his will, appoint a deputy register for said Court, and the Clerk shall, subject to removal at his will, appoint three deputy clerks for said Court; the deputy register and deputy clerks shall each be paid a Salary of Three Hundred Dollars per month payable monthly, out of the treasury of the County composing such Circuit. Said deputy register and deputy clerk shall respectively possess all the powers and authority, both Ministerial and Judicial now or hereafter possessed by such register and clerk by whom said deputies are respectively appointed.

Section 2. This Act shall become effective upon its approval by the Governor and all laws in conflict herewith are hereby repealed.

Approved March 2, 1931.

No. 70.) (H. 188 Sanderson.

AN ACT

Relating to dependent, neglected or delinquent children in all Counties of Alabama, which now have, or which hereafter may have, a population of not less than seventy five thousand people and not more than one hundred thousand people according to the last Federal Census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties Juvenile and Domestic Relations Courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this Act; to try and determine the question of dependency, neglect, or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act, or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purpose and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation officers or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds; and for the taking of appeals from the decisions of such Court; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this Act; and for the appointment of an Advisory Board to such court and to define the duties and powers of such Court; to provide for the selection of the judge and other officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of all laws in conflict with this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this States now having, or which may hereafter have, a population of as many as seventy five thousand and not more than one hundred thousand people accord-

ing to the last Federal census or any such census which may hereafter be taken; all dependent, neglected or delinquent children as defined herein, residing or being actually in such counties, for the purposes of this Act only, shall be considered wards of the State, and in need of its care and protection; and shall be subjected to all the terms of this Act, and to the jurisdiction, custody, control, discipline, supervision, and guardianship of the Court hereinafter created, and shall be dealt with by said court as provided herein.

Section 2. That for the purpose of this Act, the words "dependent child" and "neglected child" shall mean any male child who, while under sixteen years of age, or any female child, who, while under eighteen years of age, residing or being in such county for any reason is destitute, homeless, abandoned or it's dependent upon the public for support, or who engages in any occupation, calling, exhibition, or is found in any place, for permitting which an adult may be punished by law; or who so so deports himself or herself, or is in such conditions or surroundings or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or whose custody is the subject of controversy; or who comes within the provisions of any law, regulation, or ordinances for the education, care or protection of children, or who for any cause, is in need of the care or protection of the State.

Section 3. That for the purpose of this Act, the words "delinquent child" shall mean any male child who, while under sixteen years of age, or any female child, who while under eighteen years of age, being or residing in such county, violates any penal law of the United States or of this State, or any regulation, ordinance, or law of any city, town or municipality of such county, or who commits any offense or act for which he or she could be prosecuted in a method partaking of the nature of a criminal action or proceeding.

Section 4. That in each and all counties in this State which have a population of as many as seventy five thousand people and not more than one hundred thousand people according to the last Federal census, or which shall have such population according to any census that may be taken hereafter, there be and is hereby created a juvenile and court of domestic relations, which court shall have and exercise in said county the jurisdiction, functions and powers which are herein, or which may hereafter be conferred by law or law courts.

Section 5. That said court shall have original and exclusive jurisdiction to hear, determine and adjudicate all questions and cases coming within the terms and provisions of this Act, and shall have power under the terms of this Act to determine the question of dependency, neglect or delinquency of any child or

children in such county, and when so adjudicated to declare such children to be for the purpose of this Act, wards of the State; and to make and enter such judgments or orders for their custody, discipline, supervision, care, protection and guardianship, as in the judgment of the Court will be for the welfare and best interest of such child or children. The judges of said courts shall have power to issue writs of arrest and habeas corpus, upon proper showing to have brought before said court any child alleged to be dependent, neglected or delinquent as herein defined, to be dealt with under the terms of this Act. Said courts, as to said dependent, neglected or delinquent children, shall have and exercise the jurisdiction and power possessed by chancery courts in this State, but shall not have power to affect any property rights of such child or children and provided that nothing contained herein shall deprive court of general jurisdiction in such counties of the right to determine the custody of children upon writs of habeas corpus, and providing that such courts shall not be deprived of the right to determine the custody of such children where such custody is incidental to the determination of a cause pending in such courts, but such courts may decline to pass upon such questions or to issue writs and certify same to the juvenile courts of said counties for hearing and determination.

Section 6. There shall be elected by the Senate immediately upon approval of this Act a judge of said Court whose term of office shall be for four years from date of said election and until his successor is elected and qualified, said successor in each case being elected by the Senate and in the event of a vacancy in said office, caused by the death, the resignation, or the removal of said judge his successor shall be appointed by the Governor for the unexpired term. The said judge shall have been a citizen of the United States and of the said county for at least five years before his election, shall be learned in the law, and shall not be less than twenty-seven years of age. He shall be a man of high moral character, clean life, and shall be selected for his special fitness by reason of training, education and experience in dealing with dependent, neglected or delinquent children, as defined in this Act. During the term for which he is elected, he may not engage in other businesses, but must give such time and attention to the duties of the office as the needs of the said Juvenile and Domestic Relations Courts of said counties may require or demand. Said Juvenile and Court of Domestic Relations shall be considered open at all times for the transaction of all business necessary and incident to carrying out the purposes of this Act. The salary of the judge of said Court shall be Twenty-four hundred ($2400) Dollars per annum, payable in twelve equal monthly installments out of the general fund of the counties in which said Courts are located and exercise

their jurisdiction. There shall also be appointed by the Judge, with the approval of the Advisory Board herein set up, a clerk of said court who shall hold office during the term of the judge of said Court. It shall be the duty of said Clerk to keep the minutes of said Court and all other records pertaining thereto. The Clerk shall have the power and authority to do all acts and things and perform all other duties, ministerial and judicial, where there is not contest, that the judge of said Courts could do or perform, except to sentence to hard labor for the county. Such Clerks must, before entering upon the duties of the office, take the oath directed to be taken by the officrs of this State and give a bond, with surety, payable to the judge of said court, in such sum not exceeding three thousand dollars as he may prescribe, upon which bond such clerks shall be liable to such judge in consequence of any act of misfeasance or malfeasance of such clerks in the duties of their office. Said bond to be approved by the judge of said court, filed and recorded in the office of the Judge of Probate of said county. All of the official acts of such clerks must be performed in the name of the judge of said court, except where there is a vacancy in that office. The salary of the clerk of said court shall be eighteen hundred dollars per annum, payable in twelve equal monthly installments out of the general fund of the county in which said court is located and exercises its jurisdiction. If in any matter or proceeding arising in this Court or in reference to which the judge thereof is required to exercise jurisdiction or authority or to perform duty, the judge or clerk is incompetent for any legal cause, or shall be absent, sick or otherwise disqualified from acting, he or his clerk must certify the fact of incompetency, absence, sickness or disqualification to the Register of the Circuit Court, or if the Register is incompetent, to the Judge of the Circuit Court; and such Register or Judge must, upon such certificate, appoint a disinterested person in the county, learned in the law, to act as special judge of the Juvenile and Court of Domestic Relations; and such special judge, in relation to such matter or proceeding, shall have the jurisdiction and authority and discharge the duties of the judge of the Juvenile and Court of Domestic Relations and judgments, orders and decrees made or rendered by him shall be entered on the records of such Court, and shall have the force and effect and shall be subject to revision on appeal, or by other revisory remedy, of judgments, orders and decrees of such Juvenile and Court of Domestic Relations or of the judge thereof. Such special judge shall for the time in which he serves as such special judge receive the same compensation as said regular judge; provided that not more than $400.00 shall be paid out of the funds of the county in any one year for the services rendered or duties performed by such special judge or special judges as may be appointed under the provisions of this section.

Section 7. The style of the proceeding in said courts shall be: State of Alabama, in the matter of (here insert the name) a child under sixteen years of age if a male and eighteen years of age, if a female. Any person having knowledge or information that a child who resides in, or who is actually within said county, is within the provisions of this Act, are subject to the jurisdiction of said courts herein created, may file with said courts a verified petition, which petition shall set forth the name, residence and age of the child, and name and residence of the parents if known to the petitioners, and the name and residence of the person or persons having guardianship, custody, control and supervision of such child, if the same be known or can be ascertained by petitioners, or the petition shall state that they are unknown if that be a fact. The petitioner shall state the facts which brings said child within the provision of this Act, and it shall be sufficient for that purpose to aver that the child mentioned therein is "dependent," "neglected," or "delinquent" as the case may be, "and in need of the care and protection of the State in that" (here stating sufficiently the fact which brings said child within said term as herein defined) and shall be sworn to by petitioner, but such affidavit shall be made upon the information and belief of affiant.

Section 8. Upon the filing of the petition with the Court, or an order of transfer, or after causing an examination to be made by an officer or other person, the court or judge thereof may forthwith cause a summons to be issued, signed before the court, requiring the parent, guardian, or the person having the custody, control, or supervision of the child, or the person with whom the child may; be found to appear with the child at such time and place as may be stated, in the summons, to show why the child should not be dealt with according to the provisions of this Act.

Section 9. Service of such summons within the said counties shall be made personally by delivering to and leaving with the person summoned a true copy thereof. If the child mentioned in the petition or order of transfer be present in court, no summons to said child shall be necessary to give the court jurisdiction of such a child. When the person named in the summons, other than the child, is present in court, or is a non-resident of the county, or cannot be found, or where said child is in court by a reason of violation of any law of the State or of any municipality of said counties, service of a summons upon such other persons named in the summons shall not be necessary to give the court jurisdiction; but if such other person be not present in court, or if for any of the reasons set out above, has not been served with a summons, the court must appoint a probation officer or some other person to act as guardian ad litem to represent the interest of such child, and such guardian ad litem shall be present at the hearing of said case to represent said child. In case where summons is necessary

it shall be sufficient to confer jurisdiction if service is effected, at any time before the time fixed in the summons, for the return thereof, but the court shall not proceed with the hearing earlier than the next day after the date of service, if objection be made by the party served, or by a guardian ad litem appointed to represent the interest of such child. Proof of service may be made by the affidavit of the person who delivered the copy of said summons to the person named, if the summons be not served by an officer, but if served by a state, county or municipal officer, his return shall be sufficient without oath, the summons shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for contempt, as hereinafter provided. The court may, in its discretion call upon the solicitors of said counties or of the judicial districts to assist the court in any proceedings under this Act; and it shall be the duty of such solicitors to render such assistance when so requested, and said solicitors shall represent the State in all cases appealed from the said courts to the other courts, and the sheriffs of said counties shall serve all papers directed by the court or Judges thereof to be served by him, but all papers, summons and process issued from said court in such proceedings, may be served by any person selected by the courts, or the judges thereof for that purpose. When the sheriff serves the papers directed to him under the terms of this Act a suitable allowance shall be made to him by the Boards of Revenue or Courts of County Commissioners as the case may be of said counties for his actual or necessary disbursements in effecting such service.

Section 10. Upon the return of the summons, or at the time set for the hearing, the courts shall proceed to hear and determine the case. At such hearings the nature of the proceedings shall be explained to the child and to the parent, custodian or guardian. The judge of such court may conduct examination of witnesses and may take testimony and inquire into the habit, surroundings, conditions, tendencies and guardianship of said child to enable the court to determine if such child is dependent, neglected or delinquent, and if so, what order or judgment will best conserve the welfare of said child and carry out the objects of this Act. If said child is found by the Court to be dependent, neglected or delinquent, the court shall so adjudicate, and thereafter, unless such finding and judgment be annulled on appeal as herein provided for said child shall, during his or her minority or so much thereof as the court shall consider to be for the best interest of said child, for the purpose of this Act, be considered a ward of the State, and subject to the guardianship of the court as herein provided for after such hearing and adjudication, the court may place the child under the care and control of the probation officer and may allow such child to remain in its home subject to the visitation of the pro-

bation officer, to be returned to the court by such parent or probation officer when ordered to do so by the court or judge thereof, for further proceeding, whenever said action may appear to said court or judge thereof as necessary; or the court may order the child to be placed in a suitable family home willing to receive it, subject to the friendly visitation and supervision of a probation officer, and the further order of the court; or it may authorize the child to be boarded out in some suitable family home in such manner as is now, or may hereafter be provided by law or arrange by voluntary contribution or otherwise for such board, until a suitable provision may be made for such child in a home without such payment; or the court may commit such child to any orphanage or institution for the care of children in this State, which is willing to receive it; or the court may commit such child to any person, institution, association or corporation willing to receive it, that may care for children in the State of Alabama; or the court may commit any delinquent white boy to the Alabama Boys' Industrial School, and any delinquent white girl to the State Training School for Girls, and any dependent white girl who is in danger of becoming delinquent to the Alabama Vocational School; or the court may commit such child to any other State institution, which is now, or may be hereafter, established to receive and care for children coming under the provisions of this Act; or the court may make such other order or judgment as the court shall seem to be for the best interest of the child. It is hereby made the duty of the judge of said court to cause a thorough investigation to be made as to the fitness of any custodial agency, except state institutions, that receive and care for such children before committing such children to such custodial agency. During the probation period, and during such time when such children shall be committed to any institution or to the care of any society or association or person for custodial purposes, such children shall be subject to personal visitation of such probation officer or other agent of said courts as may be appointed for that purpose; and any final order or judgment of the court in the case of any such child shall be subject to modification from time to time as the court may consider best for the welfare of the child, and no committment of any such child to any institution or other custodial agency shall deprive the said courts of the jurisdiction to change the form of the committment or transfer the custody of the child to some other institution or agency on such conditions as the court may see fit to impost during the minority of said child. The duty being constant upon the court to give to such child subject to its jurisdiction such oversight and control as may conduce to the welfare of said child and the best interest of the State; and said court may at any time by order enter upon the records of said court relieve or discharge any such child from custody or control in which it may be

at such time, subject to be retained and put in control or custody on failure to comply with the terms and conditions that may be prescribed in said order of the Court. In committing any child to any custodial agency, or placing it under any guardianship other than that of its natural guardian, the said court shall as far as practicable, select as the custodial agency, some individual holding the same religious belief, if any, as the parents of such a child, if any, or some institution or association governed by persons of the same religious faith as that of the parents of the child unless the institution be a state, county or municipal institution.

Section 11. Said court shall have power upon the hearing of any such case involving any child to exclude the general public from the room when said hearing is held, but it shall admit thereto all such persons as may have a direct interest in the case. The records of all such cases may be held from indiscriminate public inspection, but said record shall be at all reasonable times open to inspection by such child, its parents or guardian, or its attorney or the attorney for its parents or guardian, and the State Child Welfare Department, or its accredited Agents. The hearing and proceedings hereinafter provided for may be conducted in the judges chamber or in any other room or apartment that may be provided for such cases or within such places in the counties as may be convenient to the court and all parties and all parties concerned. No adjudication or judgment under the provisions of this Act shall operate to disqualify the child from any office in any State, municipality or from any civil service under any part of the government, and such child shall not be denominated or held to be a criminal by reason of such adjudication, nor shall such adjudication be held to be, or denominated a conviction.

Section 12. Nothing in this Act shall be construed as forbidding the arrest in any County without warrant, of any child, as is now, or may hereinafter be provided by law. Whenever a male child under sixteen years of age, or a female child under eighteen years of age, and who otherwise comes under the provisions of this Act, is brought to court before any other magistrate or court in such counties, such magistrate or court shall forthwith, by proper order, transfer the case to the said Juvenile and Court of Domestic Relations of such counties. Such magistrate or court may, however, admit such child so transferred to bail or release such child into the custody of some suitable person to appear before the said Juvenile and Court of Domestic Relations at the time designated in said undertaking of bail or in said order of transfer. All informations, depositions, warrants and other processes in the hands of such magistrates or courts, shall be given by him or the clerk of said court and forthwith transmitted to the clerk of said Juvenile Court of Domestic Relations and shall become a part of its records. Said Juvenile and Court of Domestic Relations shall thereupon have

jurisdiction of said cause, and shall proceed to hear and determine said case in the same manner as if the proceedings had been instituted in the said court by the petition as herein provided.

Section 13. If in the course of the proceedings instituted under this Act, it shall appear to said court that the welfare of said child will be best promoted by the appointment of a general guardian of his property and of his person, when such child is not committed to any institution or to the custody of any incorporated society, the judge of such Juvenile and Court of Domestic Relations shall apply to the probate judge of said counties for the appointment of such guardian. In any case arising under this act the judge of such courts may determine as between parents whether the father or the mother shall have the custody, education and control of such child.

Section 14. When any child is found to be dependent, neglected, or delinquent, and the court, in its discretion, shall take the custody of the child from its parents, or either of them, or from the custody of any person or persons liable for its support and place it in the custody of the other parent, or in any institution or custodial agency, the court may, after service of an order to show cause, upon the person from whose custody the child has been taken why the said child should not be supported by the said person, order and adjudge that expenses of caring for the said child by the other parent, custodial agency, or institution, public or private, appointed by the court, shall be paid such person or persons, and in the event such person or persons shall be adjudged liable to pay such expenses for the care of such child may direct how said money shall be paid to said institution, or other parent, and when the same shall be paid; and in the event that such person so adjudged liable to pay such expenses, willfully or without just excuse, fails or refuses to pay same in accordance with the court's said order, said person so failing to pay same shall be in contempt of the court, and may be punished as hereinafter provided for the punishment of contempt of court. An appeal may be taken from said court adjudging said person liable to pay said expense for the support of said child as provided for in Section 4 of this Act, and when such appeal is taken, such order shall be suspended until such appeal is determined.

Section 15. It shall be the duty of the court when practicable, and for such purposes said court shall have authority to cause all children coming under its jurisdiction to be examined by any duly licensed and practicing physician. Should any such child be found to be in need of medical care, the court shall have jurisdiction and authority to order such child treated in either a public or private hospital, or otherwise given such care as shall be for the best interest of the said child. In the event that the petition filed in said court avers that the child mentioned therein is in immediate need of medical care or when any child named in such petition, or who has been transferred to said Court by any other court, appears to

need such care, the court shall have the authority to order such examination of such child, by such physician, before the hearing of the said petition, and if such examination discloses that such child is in immediate need of medical care, the court shall have authority to order such child treated in such private or public hospital, or otherwise given such care as shall be for the best interest of such child. Any such expense incurred by order of such court shall be a charge against the county wherein said court is located and has its jurisdiction, and shall be paid by such county when certified by the judge of said court as correct.

Section 16. The judges of such Juvenile and Court of Domestic Relations may arrange with any incorporated or unincorporated society or association that maintains or is willing to maintain a shelter or suitable place of detention for children in such counties, and for the use of such place as a shelter or parental school for children coming within the provisions of this Act, and may make and enter orders which shall be effectual for that purpose, and the cost, of said maintenance shall be valid charge against such county when recommended by the Advisory Board hereinafter provided and approved by the judge of said court.

Section 17. The judge of such Juvenile and Court of Domestic Relations of such county shall appoint a chief probation officer and one deputy probation officer with the approval of the Advisory Board herein provided for to carry out the spirit and intent of this Act, whose duty it shall be to act under the direction of said court in cases arising under this Act. The chief probation officer so appointed shall receive a salary of not exceeding eighteen hundred dollars per year, and said deputy probation officer shall receive a salary of not exceeding twelve hundred dollars per year, the amount of the respective salaries to be received by said probation officers within the said limits shall be fixed and regulated as occasion may require by the Judge of the Juvenile and Court of Domestic Relations with the consent and approval of the said Advisory Board of said Court, hereinafter provided for, which said respective salaries shall be payable monthly out of the general funds of said counties. Said judge may also, if found necessary for the adequate care and protection of the children under the jurisdiction of the court, appoint one or more volunteer probation officers who shall serve without compensation from the county treasury, upon such condition as the judge may prescribe for the successful operation of this Act, and such judge may at pleasure, remove such officer or officers, salaried probation officers shall have all the powers of sheriffs and police officers anywhere within the State for the purposes of this Act, and may serve any process authorized to be served by this Act, and may make arrests in the execution of processes issued from such court. The judge of said court is hereby authorized and directed to seek the co-operation of any society or incorporation

public, or private, having for their object the protection or aid of dependent, neglected or delinquent children, to the end that the court may assist and be assisted in every reasonable way to give all children care and protection which will conserve the welfare of such children and the public in general. And it is hereby made the duty of every county, town or municipal officer, or department in said county, to render such assistance and co-operation within his or its jurisdiction or power to further the object of this Act; and all institutions, associations, and other custodial agencies in which any child may be, coming within the provisions of this Act are hereby required to give information to the Court or any of the said officers appointed by the court, which said court or officer may require to further purposes of this Act. The judge of said Juvenile and Court of Domestic Relations with the consent and upon the advice of the Advisory Board of said court, hereinafter provided for, shall secure suitable quarters for the conduct of the business of said Juvenile and Court of Domestic Relations, separate and apart from the chambers used for the prosecution of adult criminals, and all equipment, rent and necessary expenses contingent to the proper carrying out of the spirit and intent of this Act, shall be, and is hereby made a valid charge against the said Counties, and same shall be paid out of the general funds of the county, on voucher approved by the judge of said Juvenile and Court of Domestic Relations. Provided, however, that nothing in this Section or in any other Section of this Act shall be construed as authorizing the Judge to commit a dependent or delinquent child to any Society or Corporation, public or private, having as their object the protection or aid of dependent, neglected or delinquent children which is outside of the State of Alabama and which has not acquired a proper license from the Child Welfare Department.

Section 18. The judge of the said Juvenile and Court of Domestic Relations of said counties shall appoint a Board of not less than ten nor more than fifteen persons of said county, known for their interest in the welfare of dependent, neglected or delinquent children, who shall serve without compensation, to be called the Advisory Board of the Juvenile and Court of Domestic Relations of said counties. Said advisory board at its first meeting shall organize by electing such officers and adopting such by-laws and rules and regulations for its government as it may deem best for the purposes herein set forth. Said Board shall hold office during the pleasure of said court or the judge thereof. Women shall be eligible to appointment on said Board. The duties of the Board shall be as follows: (1) To advise and co-operate with the judge of said court, in the appointment of its probation officer or in fixing and regulating the amount of the salaries to be paid said officers and to advise and co-operate with the court upon all other matters affecting the workings of the Act creating the court, and to recom-

mend to the court any and all needful measures for the purpose of carrying out the provisions and intent of the law creating said court. (2) To visit as often as they conveniently can, all institutions or associations receiving children under this Act, and to report to the court from time to time the conditions and surroundings of the children received by or in charge of any such person, institution or association. (3) To make themselves familiar with the work of the court under this Act, and to make from time to time a report to the public of the work of said court.

Section 19. Whenever in courts of any proceedings under this Act, or when by affidavit as hereinafter provided, it shall appear to the said court that a parent, guardian or person having the custody, control or supervision of a male child under sixteen years of age, or a female child under eighteen years of age, in such county, or any person not standing in such relation to such child has aided, encouraged, or caused any such child to become, dependent, neglected or delinquent as defined herein, or who has by word, act or omission contributed thereto, or shall by any word, conduct, act or omission—or by threats, command, or persuasion, induced or endeavor to induce, aids or encourages, any such child, in such county, to do or perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such child to become, or to remain, dependent, neglected or delinquent, the said court shall, that such children may be protected from such influences, have jurisdiction in such matters, as provided for herein, and shall cause such parent, guardian or other person, as the case may be, to be brought before it upon either a summons or a warrant, affidavit of probable cause having first been made, for such order or judgment, in the premises as the court may see fit to make, or render, in accordance with the provisions of this section. In case of bringing of such person into court under the summons of warrant, above provided for, such accused personal shall have the right to bail in such reasonable sum as may be named by the court, the same to be approved as to amount and surety by the judge of said court, or by the sheriff or his deputy as in other cases; and in default of said bail the person so accused shall be committed to the county jail, there to await trial or other disposition of said cause by the court. The court shall have full power to hear and determine such charge so brought against such parent, guardian, or other person, and to determine the guilt or innocence of such accused person, parent, or guardian, and in the event that said parent, guardian or other person shall be found guilty by the court, the said court shall have the power to impose a fine of not more than one hundred dollars, and in addition thereto may impose a sentence to hard labor for the county for not more than twelve months, or to a term of imprisonment in the county jail, for not more than twelve months. In the trial of such cases, said court shall have and exercise all the

power, jurisdiction and authority now possessed, or which may hereafter be conferred upon county courts; and the institution and trial of such cases shall, except as is herein otherwise provided, be had and conducted as other misdemeanor cases are begun and tried in such county courts. In the trial of such cases, said courts shall determine both the law and the facts without the intervention of a jury, and shall award such judgment under the terms of this section, as shall seem just. The judge of such court shall have authority, in his discretion, to suspend the payment of any fine; or the serving of any term of imprisonment whether in jail or at hard labor, and to place such accused person on probation, for such a period of time, not to exceed twelve months, and upon such terms and conditions as to the said judge may seem proper; the judge of the court may, further, in his discretion, as part of the judgment, require such person to enter into a bond with or without surety in such terms as the court may direct, to comply with the orders of the courts, and said judge shall have authority in his discretion and upon such information as he may deem sufficient, to revoke such suspension of fine or imprisonment, upon the violation of the probationer of the conditions and terms upon which such suspension was made. Such revocation by said judge shall immediately put into effect the original fine, or term of imprisonment, originally imposed; and such judge may thereupon issue warrant of arrest, and order of commitment to enforce such judgment as if there had been no suspension. The defendant if convicted shall have the right to appeal to the next ensuing term of the Circuit Court of the County, where he may have a trial by jury. Pending said appeal, upon his entering into bond, with sufficient sureties in such sum as the court may require, conditioned that he will appear at said Circuit Court, until discharged by due process of law, he shall be released from custody. If the defendant fails to make the required bond, he shall be confined in the county jail until tried. Upon the taking of such appeal, the clerk of the said Juvenile and Court of Domestic Relations shall at once certify to the clerk of the Circuit Court of said county all papers in the cause affecting the person appealed, together with a transcript of all proceedings had in said court, in said matter. The clerk of the said Circuit Court of said county shall set all such cases appealed from this court as preferred cases in said Circuit Court, to the end that said cases may have a speedy hearing in said Circuit Court. Upon said appeal said Circuit Court shall try such case de novo, and if said defendant be found guilty by said Circuit Court, it shall have all the discretionary power herein given to the Juvenile and Court of Domestic Relations in rendering judgment against said defendant. If, upon the rendition of said judgment, the said Circuit Court shall suspend the payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor and place such convicted person upon probation, under

the terms of this section, said Circuit Court shall cause to be filed with said Juvenile and Court of Domestic Relations, a copy of its said judgment, which shall thereupon become also the judgment of the said Juvenile and Court of Domestic Relations in said case; and upon the rendition by said Circuit Court of such suspended tentence, said Circuit Court shall remand said convicted person to the jurisdiction of said Juvenile and Court of Domestic Relations for its supervision and care, under the terms of said judgment, and thereafter said convicted person shall be and remain under the jurisdiction of said Juvenile and Court of Domestic Relations in the same manner as if said Juvenile and Court of Domestic Relations had rendered said judgment in the first instance. An affidavit in the following form shall be sufficient to charge the offense described in this section, to-wit: State of Alabama—In the Juvenile and Court of Domestic Relations of_____(Name of County)_____present term. Personally appeared before me, judge of the Juvenile and Court of Domestic Relations of (Name of County), (Name of affiant) who being by me first duly sworn deposes and says, that (name of person charged with offense) has within twelve months before the making of this affidavit, in said county aided, encouraged or caused (name of child) a male child under sixteen, or female under eighteen years of age, (as the case may be) to become dependent, neglected, or delinquent, or has by word, act, or omission contributed thereto; or has by word, conduct, act, or omission, threats, commands, or persuasions induced or endeavored to induce, aided or encouraged such child in such county to do or perform an act or to follow a course of conduct or to so live, as would cause, or manifestly tend to cause such child to become or remain dependent, neglected or delinquent; in that the said (name of accused) did within said twelve months within in said county (here set out succinctly the facts, acts, words, conduct, omissions, etc., which affiant avers were done or omitted by accused constituting said offense.) Against the peace and dignity of the State of Alabama,_____Affiant. Subscribed and sworn to before me this_____day of_____, 19_____. Judge of Juvenile and Court of Domestic Relations _____County.

Section 20. If at any time, after thorough investigation or trial of its disciplinary measures, the court or judge thereof is convinced that any delinquent child brought before it under the terms of this Act cannot be made to lead a correct life, and cannot be properly disciplined under the provisions of this Act, the court or judge thereof, shall have authority to transfer such delinquent child to the jurisdiction of any court in said county having jurisdiction of the offense of which said child was, or is charged, there to be proceeded against according to law, and as if said child if a male, were over sixteen, and if a female, were over eighteen years of age.

When such order of transfer is made, the child so transferred may be committed to the county jail or to any city jail or police station in said county, pending the proceedings in the court to which said case is transferred, or may be released on bail by the judge of said Juvenile and Court of Domestic Relations to answer such proceeding in said court to which said child has been transferred. The clerk of the Juvenile and Court of Domestic Relations shall at once, upon said transfer being ordered, file with the Clerk of the court to which said transfer is made a copy of the order of transfer, and any warrant or other paper charging said child with the commission of such offense, which has been filed in this court, which shall be sufficient to give such court jurisdiction of such case. In the trial in such court the proceedings had in this court shall not be given in evidence against such trial.

Section 21. All bonds and undertakings taken and approved by the judge of this court, either for the appearance of any minor or for the performance of any other duty or undertaking set forth in said bond, shall be valid and enforcible, even if the principal or surety shall be a minor. In the event of the failure, upon the part of the principal or sureties in any bond taken in said Juvenile and Court of Domestic Relations to faithfully carry out, and discharge the undertakings of such bond, then in that event the judge of said court shall have the right to transfer said bond, together with his certificate to the effect of the failure of said principal and sureties therein to carry out and discharge their undertakings on this bond to the clerk of the Circuit Court of such county, and in the event of such certification by the judge of this Court to the clerk of the Circuit Court, it shall be the duty of the clerk of the Circuit Court to at once, bring the same to the attention of the judge or judges of said court, who shall proceed to enter a forfeiture of bond so transmitted, in the manner and form now provided for the forfeiture of bonds in the Circuit Court, after which writ of scire facias and execution shall issue thereon, as now provided by law upon the forfeiture of bonds in similar cases in said Circuit Court.

Section 22. Any person who knowingly and wilfully disregards or fails to obey any lawful order made by the judge of said court under the jurisdiction of this court shall be guilty of a contempt of court, and any person who knowingly interferes with or opposes, or otherwise obstructs any probation officer in the performance of his or her duties, or who knowingly makes any false statement to such probation officer, about any matter or person about which he or she is inquiring in the discharge of their duty, shall be guilty of a contempt of court, and generally, any and all acts which would be a contempt of a chancery court in this State, shall be and constitute a contempt of this court, and the judge of said Juvenile and Court of Domestic Relations shall have the same right and power to punish

for contempt of said court as have chancellors or judges in this State, to punish for contempt of said chancellors of Circuit Courts.

Section 23. Said court shall have the power to determine the forms and character of its records and to devise and publish rules to regulate the proceedings in all cases coming within the provisions of this Act, where not otherwise provided for by law; and for the conduct of all probation and other officers of said court in such cases. The courts may also devise, promulgate and cause to be printed for the use of the court, forms which may be found necessary and convenient in cases coming under this Act. All necessary expenses or appropriations to carry out the purpose and intent of this Act, and all expenses of maintenance and care of wards of court under detention which may be incurred by order of the court in carrying out the provisions and intent of this Act, shall be a valid charge against the said county, and shall be paid by the Board of Revenue or the Court of County Commissioners of said counties as the case may be, when itemized and sworn to by creditors of persons knowing the facts in the case, and approved by the judge of said court.

Section 24. An appeal may be taken by any party agreed from any final order or judgment of said court to any court of such county, having equity, jurisdiction, within ten days after the entering of said order or judgment in said cause, but an appeal bond may in the discretion of the court be required, which said bond shall be payable to the State of Alabama, and conditioned upon the child's appearance to answer such judgment as may be rendered upon appeal, as well as to secure all cost that may accrue on such appeal, and if such appeal be taken by guardian ad litem appointed for the child by said court, this court may, in its discretion, grant an order allowing said guardian ad litem the actual expense incurred on said appeal and the amount so allowed shall be a valid charge against such county when approved by the judge of said court. An appeal with or without the bond required in this Act shall not suspend the judgment appealed from, nor shall it discharge the child from the custody of the court or the officers of the court, or the person in whose care the court may place the child, if the judge of said Court shall enter an order that to suspend said judgment would endanger the welfare of said child. All appeals under this Act shall take precedence over all other business of the court to which appeal is had. Under said appeal, said equity court shall try said case, de novo, and shall proceed under and in pursuance of the intent and terms of this Act, to render such judgment as to it shall seem just, and to be for the best interest of society and for the welfare of such child. Upon the rendition of said judgment the said equity court shall cause to be filed with said Juvenile and Court of Domestic Relations a copy of its judgment, which thereupon becomes also the judgment of the Juvenile and Court of Domestic Relations. In the

event that the equity court does not dismiss said proceedings, and does not discharge said child, said equity court shall remand said child to the jurisdiction of said Juvenile and Court of Domestic Relations for its supervision and care, under the terms of its order; and thereafter said child shall be and remain under the jurisdiction of said Juvenile and Court of Domestic Relations in the same manner as if said Juvenile and Court of Domestic Relations had rendered such judgment in the first instance.

Section 25. No child coming within the provisions of this Act shall hereafter be placed in any institution at the public charge, unless his or her status shall have been first determined in accordance with this Act.

Section 26. Whenever a child is arrested for the violation of any law, or is taken into custody under the terms of this Act, such child, if it be absolutely necessary in order that such child shall be produced in court at the time set for the hearing of said cause, may be placed in jail for safe keeping until the time of said hearing; but in no case shall such child be confined in the same room with an adult prisoner and the violation of this provision by any sheriff, jailer or other officer shall be punishable by fine of not less than ten dollars nor more than one hundred dollars for each offense.

Section 27. The judge and clerk of said court shall have authority to take affidavits and to administer oaths in proceedings under this Act; and the judge of said court shall have power to issue all appropriate orders or writs in aid of the jurisdiction hereby invested in it.

Section 28. This Act shall be liberally construed in order to accomplish the beneficial purposes herein sought. Should any part of this Act be declared to be unconstitutional by any court, such decision shall not affect the remainder thereof.

Section 29. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved February 26, 1931.

No. 71.) (H. 247. Goode.

AN ACT

To relieve from the payment of privilege filing tax required for filing mortgages for record by Section 4-1/2 of Act 172, Approved August 22, 1923, all mortgages made to secure loans by drouth, flood or storm sufferers, under any Act of Congress of the United States.

Be it Enacted by the Legislature of Alabama:

Section 1. That no filing tax as required by Section 4-1/2 of Act No. 172 Approved August 22, 1923, shall be required or collected for filing for record any mortgage given to secure a loan of money to drouth, flood or storm sufferers, made under any Act of Congress of the United States.

Approved March 2, 1931.

No. 72.) (H. 249. Barber

AN ACT

To abolish the Board of Revenue or Commissioners Courts in all counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census and to establish in such counties a County Commission; to provide for the election of the members of the said Commission, to fix their term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That all Commissioners Courts or Boards of Revenue in counties having a population of 300,000 or more according to the last or any subsequent Federal census be and they are hereby abolished.

Section 2. That there is hereby created a County Commission in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census which Commission shall consist of three members who shall be elected by the Senate of Alabama immediately after the passage and approval of this Act. That one of said members shall serve as a member of said Commission from the time of his election until the election and qualification of his successor in office who shall be elected at the General election in the year 1932. That one of said members shall serve as a member of said Commission until the election and qualification of his successor in office who shall be elected at the General election in the year 1934. That one of said members shall serve as a member of said Commission until the election and qualification of his successor in office who shall be elected at the General election in the year 1936. That the term of office for members of such Couty Commission shall be for a term of six years.

Section 3. That the compensation of each of said Commissioners shall be the sum of $6,000.00 per annum, payable in equal monthly installments out of the General Fund of the County.

Section 4. Said Commission shall have the power and authority to direct and control the property of the County as it may deem expedient according to law, to levy a general tax for general and special tax for particular County purposes; to examine, settle and allow accounts and claims chargable against the County; to examine and audit the accounts of all officers having the care, management, collecting or disbursement of monies belonging to the County or appropriated for its use and benefits; to audit and allow all claims for charges and expenses for all County officers; to have exclusive control of the convict labor of the County and the sole right and authority to bind the County in any contract for the payment of money.

Section 5. Said Commission shall have all the jurisdiction and powers which are or may hereafter be by law vested in the Courts of County Commissioners or Boards of Revenue of this State and the members thereof shall perform all the duties and services and exercise all the powers which are, or may be provided by law for the members of Courts of County Commissioners or Boards of Revenue in this State.

Section 6. The president of said Commission shall be its presiding officer, and shall have the same power and authority as other members in passing upon all questions, and shall sign the minutes of the proceedings of the Commission, and shall sign all warrants drawn on the county treasurer, and all orders for the payment or disbursement of money or funds of said county, and it shall be his duty to receive and prepare business and obtain information for the sessions of the said Commission, and to see to the execution of all orders thereof, and to report to the Commission all infractions of the revenue law in said County of which he can obtain authentic information. He shall exercise all the powers and perform all the duties required of the Probate Judge as to matters coming before the Court of County Commissioners.

Section 7. Said County Commission shall have power and authority to employ a chief clerk and as many assistant clerks as are necessary for the convenient and orderly transaction of the business of such Commission, and fix and determine the amount of compensation to be paid such clerk and assistants as in the discretion of such court shall be reasonable compensation for the services required for such chief clerk and assistants.

Section 8. A majority of said Commission shall constitute a quorum for the transaction of business and no funds belonging to the County shall be drawn or paid out except as authorized by said Commission, and a proper list and registry of all sums drawn or paid out and of the nature of the claim and of the person in whose favor drawn or paid out shall be kept by either the president or clerk of said board.

Section 9. That said Commissions shall do and perform all acts and services and shall exercise all the powers and functions which are now by law required or authorized of Commisisoners Courts or Boards of Revenue in Counties having a population of 300,000 or more according to the last Federal Census.

Section 10. That this Act shall become effective upon its approval by the Governor.

Approved February 25, 1931.

No. 75.) (S. 106. Teasley.

AN ACT

To amend Section 2335 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 2335 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 2335. Cities and Towns to which Article applies. — All cities in the State of Alabama, which have a population of more than one thousand and not more than forty thousand people, according to the last Federal census, or which hereafter shall have such population, according to any Federal or Municipal census that may be taken hereafter, shall be known as Class "D" Cities and may become organized under the Commisison form of Government, by proceeding as is hereafter in this Article provided.

Approved March 2, 1931.

No. 79.) (S. 105. Teasley.

AN ACT

To create in all counties of the State of Alabama which now have not less than seventy-five thousand and not more than one hundred ten thousand inhabitants according to the Federal census of 1930, and which may hereafter have such population according to any Federal census hereafter taken, the office of special officer, to prescribe his duties and the method of his appointment, fix his term of office, and to fix his compensation and prescribe the method of payment thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in the State of Alabama which now have not less than seventy-five thousand of inhabitants and not more than one hundred ten thousand inhabitants according to the Federal cesus of 1930, and in all counties which may hereafter have such population according to any Federal census hereafter taken, there is hereby created the office of special officer.

Section 2. Such special officer shall, under the direction of the solicitor of such county investigate and report violations of law in such county, shall attend upon all sessions of the grand juries of such county and report to the grand juries upon any matters they may require, and shall from time to time report to the solicitor of the county as required by him.

Section 3. Such special officer shall be appointed by the Solicitor of the County and shall hold office at the pleasure of the Solicitor.

Section 4. Such special officer shall receive a salary of eighteen hundred dollars per annum, payable in equal monthly installments out of the treasury of the county. Provided that the board of revenue or other courts of like jurisdiction shall have the power and authority to increase said salary not to exceed twenty-four hundred dollars per annum.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved March 2, 1931.

No. 80.) (S. 109. Teasley

AN ACT

To fix the salary of the Judge of Probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judges of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Be it Enacted by the Legislature of Alabama:

Section 1. That the salary of all Judges of Probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken, shall be six thousand dollars per annum, and an allowance of twelve thousand nine hundred dollars per annum for office help as follows: one clerk at three thousand dollars per annum; two clerks at eighteen hundred dollars per annum each; three clerks at fifteen hundred dollars per annum each, and one election clerk at eighteen hundred dollars per annum and eighteen hundred dollars per annum for other expenses and clerk hire to be paid out on warrant by the Board of Revenue on proper certificates of said Judges of Probate, and the further sum of Twelve hundred dollars as ex-officio services and other contingencies to be paid to said Judges of Probate in equal monthly installments out of the general funds of said counties.

Section 2. That in addition to other duties to be performed under the direction of the Judges of Probate, it shall be the duty of the election clerks herein provided under the direction, super-

vision and instructions of said Judges of Probate to carefully examine the records of registered voters on file in said office and make a report to the Board of Registrars when said Board is in session, for the purpose of purging the registration list as provided by law, showing all names appearing on said list of registered voters who are dead or who have removed from the county and prepare all necessary notices to be issued by the Board of Registrars to all persons whose names appear on the list of registered voters who have removed from the county, and keep a docket of all such names stricken from the list of registered voters showing the reasons therefor, date of service of notice, and date of order of the Board of Registrars striking any name off of said list. It shall be the further duty of said election clerk to carefully check the list of all persons paying poll tax each year, and after carefully checking same with the list of registered voters, to prepare a list of qualified voters of said counties, as provided by law under the supervision and instructions of the Judges of Probate who shall certify to the correctness of same. The said election clerk shall be ex-officio clerk of the Board of Registrars and under their supervision and instructions shall perform all duties required of him by said Board. It is the intention of this Act to provide for a correct list of qualified voters of said counties to be furnished the several election officers at each election or primary as now provided by law, and it shall be the duty of said election clerk to perform any and all services in this connection to carry into effect the purposes of this Act.

Section 3. That all of said Judges of Probate shall pay into the County treasury of said counties, all costs, charges of courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid. The Courts of County Commissioners, Boards of Revenue and other Courts of like jurisdiction shall have the power and authority and it shall be their duty to audit the account of said Judges of Probate for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. That all compensations and salaries of the Judges of Probate mentioned in this Act, and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the several counties affected, in monthly installments.

Section 5. That the premiums on said Judges of Probate bonds, and the bonds of their clerks shall be paid out of the general funds of the several counties affected.

Section 6. That all laws and parts of laws, general, local or special in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved February 28, 1931.

No. 81.) (H. 31. Sossaman

AN ACT

To Create A Pilotage Commission To Be Known As The "State Pilotage Commission" To Define Its Jurisdiction, Powers And Duties, To Regulate Pilots And Pilotage And To Fix Fees Therefor; To Prescribe The Mode, Penalties and Procedure For Violation Of This Act, And To Repeal All Laws In Conflict Therewith.

Be it Enacted by the Legislature of Alabama:

1. A board of pilotage commissioners, to be known as the "State Pilotage Commission", and to consist of three members, is hereby constituted with such powers and duties as are prescribed in this act and as may hereafter be prescribed by law.

2. On passage of this Act the Governor shall appoint one of said commissioners to hold office for two years, one for four years and one for six years from January 1st, 1932 and until their successors are qualified. The said commissioners shall thereafter be appointed for six years from the dates of their respective commissions, and until their successors are qualified. The commissioners shall serve without compensation, but all traveling expenses incurred by the board in the performance of their duties shall be paid out of funds in the treasury of the board.

3. If a vacancy occurs from any cause in the office of a commissioner before the expiration of his term, his successor must be appointed by the governor and hold office only for the unexpired portion of such term.

4. All of the members of said board, at the time of their appointment and during their respective terms of office, shall be citizens of the United States and qualified electors of the State of Alabama. At the expiration of their terms their successors shall be appointed by the Governor for a term of six years each. Each commissioner shall be required to execute a bond in the sum of One Thousand Dollars ($1,000.00) for the faithful performance of his duties in some bonded company authorized to do business in the State of Alabama, and the premium of said bonds shall be paid from the treasury of the board.

5. The commissioners shall elect a chairman to preside at its meetings. It shall be the further duty of the chairman to supervise the official conduct of all the officers and employees of the commission. He may administer official oaths to the officers and employees of the board, except the other commissioners, and to all other persons in relation to the business of the board. In the absence of the president, the remaining commissioners shall select from their number an acting president to hold office during the absence of the president. The acting president shall have all the power and authority possessed by the president.

6. The commissioners shall meet at least once every three months at such time and place as may be by them selected, and may meet oftener as business requires.

7. The board of commissioners shall elect a secretary, who may be a member of the board, and who shall be paid a salary not to exceed $250.00 a year out of the treasury of the board. He shall safely keep and be responsible for all moneys paid into the office of the board, and for all books and papers of the board, and attend such meetings and keep a perfect record of their proceedings and of the names of the commissioners present thereat. He must keep in proper books accounts of all moneys received and paid, and once every three months he must prepare three statements showing all moneys received and paid for the preceding three months and have same show the source from which said moneys were received and the purpose for which they were paid, and one copy shall be given to each of the commissioners. All moneys collected by him shall be deposited in a bank or banks designated by the board and drawn out by check signed by the president and secretary of the board. Before entering upon his duties he must give official bond of $3,000.00, the cost of which shall be paid out of the funds in the treasury of the board, and take and subscribe an official oath. Such bond must be in some approved guaranty and bonding company, acceptable to the board and be filed with such oath in the office of the Secretary of State.

8. The jurisdiction of said board, under this act, shall extend over the waters of Mobile Bay, Mobile River and over all tributary streams flowing into Mobile Bay and Mobile River, in which the tide ebbs and flows extending to the outer bar below Fort Morgan, Alabama, in the Gulf of Mexico.

9. All Mobile Bay or bar pilots now holding license as such under the laws of the State of Alabama shall continue as such and shall be licensed by the said Board of pilotage commissioners without any examination. At no time shall there exist more pilots than are reasonably necessary to meet the demands or requirements of commerce, the number of pilots to be left to the reasonable discretion of the Board of Pilotage Commissioners. No person shall be so licensed who has not made due application and been regularly examined and certified to be competent to fill such appointment.

10. He shall be a citizen of the United States and of the State of Alabama, and of good moral character. He must have served one year on Mobile bar as an apprentice and three years in Mobile ship channel, or at sea, and must hold a first class Federal license for same before being branched. No person shall begin service as an apprentice who is over the age of thirty-five years.

Section 10-B. All apprentices, before eligible for service as such apprentices, shall be selected and approved by said State Pilotage Commission.

11. Every application for a license or branch must be in writing, accompanied by a certificate of the registered master of a pilot boat, that the applicant has served his apprenticeship as here-in-above required, and by an affidavit by the applicant that he has served his apprenticeship as hereinabove provided. Such applicants shall be branched or licensed according to the service seniority of their apprenticeship.

12. Before an applicant is branched or licensed, the board must prepare in writing, suitable questions to test his knowledge and competency to become such pilot who without any aid from any other person, and without having been informed as to what questions would be propounded to him, shall answer such questions. When the applicant has reduced his answers to writing he shall sign the same and deliver them to one of the commissioners, and the board must cause such answers to be copied legibly, but without the name of the applicant. The board shall then appoint three fair, impartial and competent nautical men as a committee to examine the answers of the applicants. The applicant or applicants may name one of these, the existing pilots name another, and the board, or a majority of them, shall name the third. The committee shall examine the copies of the answers of applicants and shall endorse upon the answer of such of the applicants as they find sufficient, the following certificate: "We hereby certify that the foregoing answers are satisfactory, and that, in our opinion, the applicant making the same is well acquainted with the pilot grounds, and knows how to handle both steam and sailing vessels, and is competent to perform the duties of a bay or bar pilot." When such certificate is duly signed and delivered to the board, the applicant shall be deemed qualified to receive a license.

13. No apprentice pilot who has successfully passed an examination for a Mobile bay or bar pilot shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile bay and bar pilot, not-withstanding the board of commissioners under which said person was examined, has been abolished.

14. The commissioners of pilotage shall issue to each pilot licensed and branched by them an original and a duplicate certificate of his appointment, competency, and authority to act as such pilot, and as to the extent thereof, and shall reissue duplicate certificates from time to time, as the occasion may require; such original and duplicate certificates to be signed by a majority of the commissioners, or by their chairman by their direction, and each bay or bar pilot holding a license or branch must keep upon his person, when offering his services to any vessel, his duplicate certificate and must, upon demand of the proper officer of the vessel, exhibit the same, and allow such officer to inspect it. Before issuing an original license or branch the commissioners delivering

the same to the appointee shall require him to take and subscribe in writing an oath as follows, to be administered by such commissioners: "I, A.B., do solemnly swear (or affirm) that I will faithfully and according to the best of my skill and judgment perform the duties of a pilot for the bay and harbor of Mobile; that I will at all times, wind and weather and health permitting, use my best exertions to repair on board all vessels which I shall see and conceive to be bound for, coming into, or going out of the harbor or bay of Mobile, unless I am well assured that some other licensed pilot is then on board the same; that I will at all times make the best dispatch in my power to convey safely every vessel committed to my charge coming into or going out of the bay or harbor of Mobile; and will at all times well and truly observe, follow and fulfill, to the best of my skill and judgment, all such directions as I may receive from the commissioners of pilotage relative to things appertaining to the duty of a pilot, and I will not be a member at the same time of more than one combination or partnership of pilots. So help me God."

15. Before receiving his branch, the pilot must make and deliver to the commissioners a bond payable to the chairman of the board and his successors, in the penal sum of two thousand dollars, with surety to be approved by the commissioners, and with conditions faithfully to perform his duties as pilot; and this bond must be renewed every six years.

16. The commissioners must preserve on file all bonds and affidavits taken from pilots, and may, whenever they consider it necessary, require a new bond to be executed. The pilot's bond stands as security for any injury caused by the negligence or want of skill of the pilot, and may be put in suit in the name of any person aggrieved.

17. No Mobile bay or bar pilot apprentice shall be discharged except for cause, and any such apprentice or boatkeeper so discharged may appeal from such discharge to the board, and should the board upon an investigation, find that such discharge was without sufficient cause, they may annul such discharge and reinstate such apprentice.

18. For any violation by any one of the pilots of any of the provisions of this article, or any of the rules and regulations established by the said board under the authority conferred upon the said board by the provisions of this article, or under any authority which may be hereafter conferred upon them, the said board may suspend or revoke the license or branch of such pilot so violating the law, or such rules and regulations of said board. The secretary of said board shall notify such pilot in writing, of the specific charge preferred against him, specifying with reasonable certainty the law or rule or regulation violated, the manner in which the same was violated, and the time and place of such offense, and

shall by direction of the board fix the time for hearing of said charges not less than five nor more than thirty days from the date of such notice. At the time and place set forth in said notice, such pilot may appear in person or by counsel, thereupon the said board shall hear and determine the said charges. The board may subpoena witnesses, such subpoenas to be served under the seal of said board, and attested by the signature of the secretary, and to be served by the sheriff of Mobile County, or the Sheriff of Baldwin County, according to the residence of such witnesses. The fees of the sheriff for serving such subpoenas shall be paid out of the funds of said board.

19. On the failure to answer such subpoenas when so served, such witness shall forfeit the sum of fifty dollars, for which the said board may, in its own name, bring suit in a court of competent jurisdiction.

20. Such witnesses shall be paid the sum of one dollar and a half a day during their attendance upon such board at such hearing, and five cents a mile for each mile traveled in going from their place of residence to the place of hearing, and five cents a mile for returning. Such witness fee shall be paid out of the funds of said board.

21. Such pilot against whom such charges have been filed, upon depositing with the secretary of said board an amount sufficient to cover the costs and expenses of serving such subpoenas, together with the mileage of such witnesses and an amount sufficient to cover at least three days attendance of such witnesses, may require the secretary of said board to issue subpoenas for witnesses in his behalf in the name of said board, such subpoenas to be issued and served as in the case of subpoenas issued by the direction of the board, and for failure of witnesses to attend upon being served with such subpoenas, the same penalty shall be imposed and collected.

22. Such hearing shall be conducted under such rules and regulations as the board may, from time to time establish. The board shall hear the testimony of the witnesses and may administer oaths to such witnesses and false swearing, after the administration of such oath by such board, shall constitute perjury under the laws of this state.

23. Said pilot may be represented by counsel at such hearing.

24. Upon completion of the hearing, or as soon thereafter as practicable, the said board shall render its decision, and the decision shall be by a majority of said board.

25. The said hearing may be adjourned from time to time as the board may direct, but no pilot shall be suspended until the final hearing by the board.

26. The commissioners may deprive any pilot of his branch for a willful violation of his duties, or the orders or regulation of

the commissioners, or for negligently losing or injuring any vessel in his charge; or when laboring under mental derangement, or so addicted to habits of intoxication as to be unfit to be intrusted with the charge of a vessel. Any pilot who fails to act as such for three months, or absents himself for ten days at any one time from the bay or harbor of Mobile without leave of the commissioners, may be deprived of his branch. And if, while a vessel in the bay or harbor of Mobile is in charge of any civil officer in virtue of process from any court of record in this state, and any pilot, with knowledge thereof, conducts or pilots such vessel out of the bay or harbor, he forfeits his branch, and is forever disqualified from acting as a pilot, and forfeits such sum of money as the jury may assess.

27. Every pilot, having knowledge of the discharge of ballast, sweepings, screenings, cinders, refuse and rubbish of any kind in the bay of Mobile, or in any river emptying into the same, contrary to the law, must, as soon as practicable, give information thereof to the Solicitor of Mobile County.

28. Any person piloting or conducting a vessel in or out of the bay of Mobile, or over the outer bar thereof without a branch as pilot, or after having forfeited or having been deprived of his branch, is entitled to no fee or reward for the service; and in addition thereto shall be punishable by a fine of not less than $25.00 nor more than $100.00 for each offense.

29. The commissioners must preserve in a well bound book a record of their acts and of the rules and regulations adopted by them for the direction and government of pilots. They must also preserve upon record a list of all persons appointed pilots by them, and of those whom they may declare to have forfeited their licenses. All persons interested must have access to and be permitted to take copies of the record, and copies from such records, certified by the chairman, are presumptive evidence of the facts stated therein.

30. The fees of the commissioners are as follows: For every branch granted, ten dollars; for taking and filing bond and affidavit, one dollar; giving copy from records, for each hundred words, twenty cents; for certifying same, fifty cents.

31. The commissioners may, in their own names as commissioners, or in that of their chairman as such, sue for and recover to their own use any forfeiture accruing under this chapter, not otherwise specifically appropriated.

32. The master, owner or consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile a fee to be fixed by the Board of Pilotage Commission at, not exceeding, the following rates, for actual draft of water at the time of pilotage. For every vessel crossing the outer bar of Mobile bay drawing not more than nine feet of water, two

dollars and fifty cents per foot; on every vessel drawing more than nine and less than eleven feet of water, three dollars a foot; on every vessel drawing not less than eleven and not exceeding twelve feet of water, three dollars and twenty-five cents a foot; on every vessel drawing more than twelve and not exceeding fourteen feet of water, three dollars and fifty cents a foot; on every vessel drawing more than fourteen feet and not exceeding twenty feet of water, five dollars a foot; on all vessels drawing more than twenty feet of water, six dollars per foot. But vessels trading between any domestic port on the Gulf of Mexico and the port of Mobile, drawing seven feet or less of water, shall not be required to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage.

33. A pilot who has brought a vessel into port is entitled to his fees before her departure from port, to be paid in advance, or security given for the payment, and on failure thereof, may refuse to carry the vessel out.

34. Every pilot boat cruising or standing out to sea must offer service of a pilot to the vessel nearest the bar, unless a vessel more distant is in distress, under penalty of fifty dollars for every neglect or refusal to approach such nearest vessel, to aid her if required, or to aid a vessel in sight showing signals of distress, and the commissioners may deprive a pilot so offending of his license.

35. It is the duty of every outer-bar pilot to deliver to the master of any and every vessel approaching the bay or harbor of Mobile, as soon as he can board such vessel, all orders and letters which may be sent him for that purpose, on the person who requires the delivery of such letters paying or securing to the pilot twenty dollars for such service, unless the pilot so employed to deliver such orders and letters is engaged as pilot for the vessel, in which event he is entitled to five dollars for such service.

39. If the master of any vessel retains a pilot on board, the wind and weather permitting her going to sea, the pilot is entitled to five dollars for every day of such detention. If a master carries off a pilot from the bay or harbor of Mobile, he must pay him five dollars for every day of such absence and supply him with such provisions as is usual for the maintenance of masters, and first class transportation back to Mobile, Alabama, the master as well as the owner being liable therefor, unless the vessel has laid to for the space of four hours after crossing the bar, and no pilot boat appears to receive the pilot on board.

40. All steam or sail vessels crossing the outer bar of Mobile bay, except those exempt under this act, shall be conducted, controlled or navigated by a pilot licenses by or under authority of the laws of the State of Alabama, if the services of a pilot are seasonably tendered or are seasonably available, and shall be required to pay the full amount of pilotage now provided by law.

41. All vessels, whether sail, steam or propelled by any other motive power, including vessels, barges and rafts in two, engaged in coastwise trade, including those engaged in trade or plying upon the navigable rivers of the State of Alabama, and all vessels exempt under the laws, rules or regulations of the government of the United States, shall be exempt from payment of any pilotage fee whatsoever and shall not be required to have the services of a pilot in crossing the outer bar of Mobile bay or navigating the waters of said bay or other navigable waters of the State of Alabama.

Section 42. There shall be no discrimination among vessels subject to the payment of pilotage fees, and any person who rebates any pilotage fees or seeks a rebate of pilotage fees, or in any manner creates or aids in creating any scheme or plan by which a discrimination is effected in favor of any vessel or the owners, masters or operators thereof, shall, on conviction, have his license or branch revoked. Vessels calling at the port of Mobile for bunkers and or dry docking and or repairs only shall be liable for pilotage fees for one way only.

Section 43. There is hereby levied upon each licensed pilot, engaged in service as such under the provisions of this act, a license or privilege tax in the sum of $50.00 annually to be paid to the secretary of the board, and to be used for defraying all expenses or expenditures of said board accruing under the provisions of this act. The board may, by proper resolutions, permit said tax to be paid quarterly. Only such proportion of said tax shall be paid before October 1st, 1931, as the time intervening the date this act goes into effect and October 1st, 1931, bears to one year. Whenever the funds in the treasury of the board exceed the sum of Two Thousand ($2000.00) Dollars, such excess shall be paid over to the Treasury of the State of Alabama. Such privilege or license taxes so paid to the Secretary of said board shall become a part of the funds of the said board and shall be deposited by the Secretary, and otherwise handled and disbursed as required by the provisions of this act.

44. If any of the foregoing provisions of this Act shall be declared unconstitutional it shall not affect any of the other provisions thereof.

Section 44-B. The pilots licensed or branched under this act or any previous act of the legislature shall purchase at an agreed price, and if unable to agree, then at its appraised value the pilot plant of the State Docks Commission. To determine this appraised value, the State Docks Commission shall appoint one appraiser, the pilots another appraiser, and the two shall determine said value. If they fail to agree as to its value, then they shall select a 3rd appraiser and a majority of them shall fix said value.

45. That all laws and parts of laws in conflict with this act or any part of this act are hereby repealed.

Approved March 4, 1931.

No. 82.) (H. 65. Mize.

AN ACT

To amend Section 10620 of the Code of 1923 of the State of Alabama, to provide for the probate and record in the courts of The State of Alabama, of wills previously admitted to probate and record in the courts of other states, territories, districts and countries subject to the jurisdiction of The United States of America, and of foreign countries, not subject to the jurisdiction of The United States of America, and to provide for the contest of such wills in the courts of The State of Alabama, where such wills purport to dispose of land situated in the State of Alabama, and where such wills purport to dispose of personal property situated in The State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 10620 of the Code of 1923 of the State of Alabama be and the same is hereby amended, so as to read as follows: Section 10620. (6191) (4282) (1985) (2313) (1949) (1630). HOW WILL PROVED OUT OF, PROBATED IN THIS STATE.—When the testator was not, at the time of his or her death, an inhabitant of this state, but was an inhabitant of some other state or territory of the United States of America, or of some other territory, district or county subject to the jurisdiction of the United States of America, and his or her will has been duly proved in any other state of the United States of America, or in any territory, district or country subject to the jurisdiction of the United States of America, it may be admitted to probate in the proper court of this state in the manner following: (1). If the will has been admitted to probate out of the State of Alabama, but within another state of the United States of America, or within any territory, district or country subject to the jurisdiction of the United States of America, such will, or copy of the same, and the probate thereof must be certified and authenticated as provided in Section 905 of the Revised Statutes of the United States of America. (2) Upon the presentation to the probate judge of any such will, already admitted to probate out of the State of Alabama, but in another state of the United States of America, or in any territory, district or country subject to the jurisdiction of the United States of America, authenticated as herein provided for, he shall, without notice or further proceedings, enter a decree admitting said will to probate, and shall record the same, together with a certificate of probate, in a record kept for that purpose. (3) If the will has been

admitted to probate elsewhere than in some other state of the United States of America, or some territory, district or country subject to the jurisdiction of the United States of America, if such will purports or undertakes to dispose of, or if it has the effect of disposing of, any land or real estate situated within the State of Alabama, such will, in order to be valid to that end, shall be probated in all respects, including notice to the next of kin of the testator or testatrix, as wills are required to be probated in the courts of the State of Alabama, upon original proceedings to probate wills in this state, and shall be subject to be contested and controverted in the same manner as wills are subject to be contested and controverted when offered or propounded for original probate and record in the courts of this State. (4) If the will has been admitted to probate elsewhere than in some other state of the United States of America, or some territory, district or country subject to the jurisdiction of the United States of America, if such will purports or undertakes to dispose of, or if it has the effect of disposing of, any personal property situated within the State of Alabama, such will, in order to be valid to that end, shall be probated in all respects, including notice to the next of kin of the testator or testatrix, as wills are required to be probated in the courts of the State of Alabama, upon original proceedings to probate wills in this State, and shall be subject to be contested and controverted in the same manner as wills are subject to be contested and controverted when offered or propounded for original probate and record in the courts of this state.

Section 2. Be it further enacted that all statutes, acts and laws, and all parts of statutes, acts and laws, in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 3. Be it further enacted that if any section, subdivision, clause or provision of this Act shall be held to be unconstitutional or otherwise invalid, for any reason or cause whatsoever, such unconstitutionality or invalidity shall not render invalid any other section, subdivision, clause or provision hereof not in and of itself subject to such constitutional or other objection or invalidity, but all other sections, subdivisions, clauses and provisions hereof, not in and of themselves subject to such constitutional or other objection or invalidity, shall be and remain in full force and effect.

Approved March 4, 1931.

No. 84.) (H. 109. Goodwyn.

AN ACT

To amend Section 136 of the Alabama School code as adopted by an Act entitled an Act "To adopt the code of laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927 entitled an Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to Education" approved August 27, 1927.

Be it Enacted by the Legislature of Alabama:

Section One. That Section 136 of the Alabama School code as adopted by an Act entitled an Act "To adopt the code of Laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927 entitled an Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to Education" approved August 27, 1927 be amended so as to read as follows: 136. FUNDS MAY BE BORROWED TO PAY DEBTS CREATED PRIOR TO OCTOBER 1, 1930.—The County Boards of Education of the several counties of this State may borrow money for the purpose of paying the debts incurred or created by such boards respectively, which are unpaid, and such as may be incurred or created to the first day of October 1, 1930, and may issue warrants therefor, bearing interest at a rate not to exceed six per centum per annum, payable at such time as the Board may fix, or may use such warrants in the payments of such debts; such warrants to be payable out of any school fund of the County, issuing the same. At least one fifteenth of such indebtedness must be retired annually.

Approved March 4, 1931.

No. 85.) (H. 110. Goodwyn.

AN ACT

To Amend Section 176 of the School Code Of Alabama.

Be it Enacted by the Legislature of Alabama:

That Section 176 Of The School Code Of Alabama Be Amended So That The Same Shall Read As Follows: 176. VACATIONS AND LEAVES OF ABSENCES.—The County Board of Education shall have the authority, under such rules and regulations as may be promulgated from time to time by the State Board of Education to provide for the payment from public funds of teachers or other employees of the County Board of Education who are employed by the year for not over two weeks which said teacher or employee may be allowed by said Board as a vacation,

but such vacation must not be allowed during the time the schools are in session; and to provide leaves of absences during the time the schools are not in session for such teachers and employees on part or full pay when such teacher or employee devotes such leave of absence to instructing in or attending schools for teacher training or in such manner as approved by the State Board of Education as beneficial to the educational work of the County; and to provide for the payment of any teachers, whether employed by the year or not, for absences during the time schools are in session where such absence results from sickness or some other unavoidable cause which prevents such teacher from discharging his duties; provided that pay for such absence caused by sickness shall not be allowed for a longer time than four weeks during any one year and pay for such absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year, and the allowance of any such pay shall at all times be in the discretion of the County Board of Education.

Approved March 4, 1931.

No. 88) (H. 220. Key.

AN ACT

To give consent of the State of Alabama to and for the acquisition by the United States of such lands within the State as may be needed for the consolidation and administration of National Forests.

WHEREAS by an Act approved November 30, 1907, the State of Alabama consented to the acquisition of such lands within the State as were needed by the United States for the establishment of National Forests, and

WHEREAS that Act was repealed through being omitted from the revised Code approved September 28, 1923, such omission being without the knowledge or assent of the Federal Government and before the Federal Government had completed its program of acquiring lands for National Forest purposes.

Be it Enacted by the Legislature of Alabama:

Section 1. That the consent of the State of Alabama be and is hereby given to the United States to acquire by purchase, condemnation, or gift, for forest purposes, such lands, within the exterior National Forest boundaries, as have heretofore or may hereafter be approved by the Alabama State Commission of Forestry and as in the opinion of the administrative executives of the United States may be or are needed for the consolidation, extension and administration of National Forests; PROVIDED; that the State of Alabama shall retain concurrent jurisdiction with the United

States in and over the lands so acquired so far that civil process in all cases and such criminal processes as may issue under the authority of the State against any person or persons charged with the commission of any crime without or within the said jurisdiction, may be executed thereon in like manner as if this act had not been passed and that in all condemnation proceedings for the acquisition of lands the rights of the United States shall be limited to the specific object set by the laws of the United States regarding National Forests. That power is hereby conferred upon Congress to pass such laws and to make or provide for the making of such rules and regulations, both civil and criminal, providing punishment for violations thereof.

Section 2. That this Act shall become effective on its approval by the Governor.

Approved March 4, 1931.

No. 89.) (H. 223. St. John.

AN ACT

To amend Section 3643 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 3643 of the Code of Alabama of 1923, be, and the same is hereby amended so as to read as follows: Section 3643: MALES AND FEMALES NOT WORKED OR CONFINED TOGETHER; NOR WHITES AND BLACKS. It shall be unlawful for white and colored convicts to be chained together or to be allowed to sleep together; and it shall be unlawful to chain together or to confine together in the same room or compartment, male and female convicts. Whenever in the judgment of the Governor and the Board, it is practicable to do so, arrangements shall be made for keeping white and colored convicts at separate prisons and they shall not be allowed to be kept at the same place.

Section 2. That this act shall go into effect immediately upon its passage and approval by the Governor.

Approved March 4, 1931.

No. 90) (H. J. R. 56. Reeder.

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives of Alabama, the Senate of Alabama concurring, that the following memorial be sent to the President of the United States:

The nitrate plants at Muscle Shoals in Northern Alabama were constructed by the United States Government in 1918 and 1919, under Section 124 of the National Defense Act. The Wilson

Dam was built to supply a motive force for the operation of these plants. In the construction of these properties, there was an outlay by the Government in excess of one hundred and twenty-five million dollars. These great Government plants have lain idle for more than a decade, because Congress and the executive department of the Government have been unable to agree on a plan for their operation. The nitrate plants are capable of producing the equivalent of 250,000 tons of Chilean nitrate and, translated into terms of ordinary fertilizer, two million tons of commercial fertilizer a year. The product of these plants would fertilize some twelve or fifteen million acres of land annually. The plants are located in the heart of the cotton belt, where eighty per cent of all the commercial fertilizer devoted to agriculture in the United States is used. Owing to the close proximity of these plants to the vast beds of Tennessee phosphate rock, a complete fertilizer can be made at Muscle Shoals more cheaply than at any other point in the United States. That there will be a market for this fertilizer there can be no question. The plants at Muscle Shoals, if put to work, would not only prove a boon to agriculture, but would give permanent employment to several thousand people at a time when unemployment, hunger and distress are more prevalent than at any other time in this generation. In order to bring about a solution of the long vexed question as to the plan of operation of these Government-built plants, the Congress of the United States by substantial majorities has passed a compromise measure, by the terms of which, for twelve months following the passage of the act the President of the United States is given authority to lease these properties to private enterprise, for a term not exceeding fifty years, and the terms upon which the President is authorized to make such lease are sufficiently liberal to insure the leasing of the properties. The bill which was vetoed by a former president left no alternative to Government operation and the participation by the Government in the distribution of power and the manufacture of nitrates in competition with private citizens. The compromise measure now being considered by you assures the operation of these properties by private capital, if private capital is willing to finance the operation, with the aid of exceedingly cheap power, and in that part of the country where the demand for the product of the plants is greatest and most sustained. The Legislature of Alabama respectfully urges that political differences of opinion have already too long delayed the operation of these great Government properties. However opposed political agencies may be to the policy of the Government engaging in business in competition with private capital, in the case now being considered by you private capital has the opportunity to forestall Government competition, by leasing and operating these plants under favorable terms and under favorable conditions. Some part of the burden of seeing

to it that these Government plants are not used in competition with private enterprise rests upon private capital. For the reasons set out and in the interest of the Government, of the farmer and of the unemployed, the Legislature of Alabama most urgently requests that you approve the Muscle Shoals Act now before you for consideration.

BE IT FURTHER RESOLVED, that the Secretary of State be, and he is hereby, directed to telegraph this memorial to the President immediately upon its adoption.

Approved February 28, 1931.

No. 92.) (S. 143. Powell.

AN ACT

To create the honorary office of Poet Laureate of Alabama, to designate the method of selection, to authorize the use of an insignia of the office, and to authorize the issuance of a commission by the Governor.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That the honorary office of Poet Laureate of Alabama is hereby created as hereinafter provided.

Sec. 2. The Writers Conclave, a voluntary organization of Alabama historians, playwrights, fiction writers, poets, and newspaper writers, may at any annual meeting of said Writers' Conclave, designate a suitable person to hold the honorary office of Poet Laureate of Alabama, and upon the election of a nominee by a majority of the membership present and voting, the same may be certified to the Governor of Alabama by the President of said Writers' Conclave as duly elected to the position, whereupon the Governor shall issue a commission to said Poet Laureate, bearing the Great Seal of the State of Alabama.

Sec. 3. The term of office of Poet Laureate of Alabama shall be indeterminate and retroactive to June 10, 1930. Vacancies shall be filled by the method described in Section 2, of this Act.

Sec. 4. No salary or other emoluments of a monetary nature shall be paid to the Poet Laureate of Alabama by the State by virtue of said office.

Sec. 5. The Poet Laureate of Alabama may be entitled to wear upon his person as an insignia of the office a small gold medal simulating in design an open book, upon which may be inscribed the title of the office, the name of the incumbent and the date of the commission issued by the Governor, said medal to be provided by the Alabama Writers' Conclave from its own funds.

Approved March 5, 1931.

No. 94.) (H. 243. Goodwyn.

AN ACT

To Amend Section 4 of An Act Entitled: An Act To Provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, approved September 6, 1927.

Be it Enacted by the Legislature of Alabama:

That Section 4 of an Act entitled: An Act to provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, approved September 6, 1927, be amended so as to read as follows:

Section 4. All the rights, privileges, authority and powers now vested by law in any City Board of Education or any County Board of Education within any such County be and the same are hereby conferred upon and vested in the Board of Education created by this Act, and such Board shall have full authority to make a single coordinated system of all the City and County public schools in any such County, but no contracts, obligations or employment entered into by any of the existing Boards prior to the passage of this Act shall in any way be affected by their abolishment. And such Board of Education shall be vested with the title to all property, real and personal of every description previously owned by any City Board of Education or any County Board of Education within any such county, with full right to convey or mortgage any such property, and with full power and right to purchase, acquire and hold additional property of all kinds and description, provided that any such conveyance, mortgage or purchase of real estate lying within the corporate limits of any such City shall be by and with the consent of the governing authorities of such City, and any such conveyance mortgage or purchase of real estate lying not within the corporate limits of such City shall be by and with the consent of the Court of County Commissioners or Board of Revenue of such County, and such Board of Education shall have full authority to employ teachers, experts, attorneys, engineers, architects and all other employees of every character which it thinks necessary or desirable for the proper conduct and administration of the business of said Board of Education, and all

purchases of property heretofore made, and all contracts of employment heretofore entered into for any said purposes herein stated, be, and the same are, hereby ratified. And said Board shall have full authority to refund any debts incurred by it for school purposes prior to October 1, 1930, and to secure any warrants issued in connection with any such refunding with the proceeds of any income, fixed or otherwise, which it may receive or be entitled to under the laws of Alabama for the construction, maintenance and operation of the schools of any such city and county. And the Board shall be authorized to use all monies received by said Board for any and all school purposes. And such Board may establish a department of accounting suitable for its needs, which department must show the application of all funds received and disbursed, showing from whom received and to whom disbursed. Said Board further shall file a general statement of its receipts and disbursements annually with the State Superintendent of Education, the County Board of Revenue, and the governing authority of each city located in said county.

Approved March 5, 1931.

No. 95.) (S. 84. Darden.

AN ACT

To amend Sections 2927 and 2929 of the 1923 Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 2927 of the 1923 Code of Alabama be amended so as to read as follows: "Section 2927.—PRINTING OF GENERAL ACTS IN PAMPHLET FORM. Within ten days after every general act has been approved by the Governor, and delivered to the Secretary of State, the latter shall have it correctly transcribed, and a copy placed in the hands of the public printer, who must immediately print twelve hundred and fifty copies in accordance with Section 2929 of which the Secretary of State must distribute two to every member and officer of the Legislature and to every State officer in the Capitol; twenty-five copies to the Supreme Court Library, twenty copies to the law library University of Alabama; two hundred and fifty copies to the Department of Archives and History; and shall mail one copy to every judge, every probate judge, every circuit clerk, every register of the circuit court, every circuit solicitor, every county solicitor, every deputy circuit solicitor, and one copy to every sheriff and county officer in the State. Each Probate Judge, Circuit Clerk, Register of the Circuit Court and each Sheriff of the State shall preserve in a

book in his office kept for that purpose each and every act furnished him by the Secretary of State until the Acts are published in permanent binding and same shall be open to inspection and for the information of the general public."

Section 2. That Section 2929 of the 1923 Code of Alabama be and the same is hereby amended so as to read as follows: "Section 2929. SIZE AND TITLE OF ACTS. The acts must be printed in order in which they are approved, and each act must be complete within itself, and where more than four pages, must be stitched, stapled or pasted on the side, so as to make a pamphlet of not less than six inches by nine inches in size. At the head of each separate act so printed shall be the following words in appropriate type, namely: 'Alabama General Laws, Regular Session 19.....' Followed by the act, in connection with the title of the act to which shall be the Governor's number on the left, and the particular House or Senate Number on the right with the name of the Author of the Act. On front page of every act in ten point heavy face type shall appear the following: 'Each Probate Judge, Sheriff, Clerk and Register of the Circuit Court is required by law to preserve this Act in a book kept for that purpose in his office for the information of the public until Acts are published in a permanent form and shall be open to inspection at all reasonable hours of the day."

Approved March 5, 1931.

No. 97.) (S. 135. Hooton.

AN ACT

To make it unlawful to use or place, or cause to be used or placed any nets, gill nets, hoop nets, fish baskets, seines, or substitute for any such devices in any of the waters of Randolph and Chambers Counties.

Be it Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm or corporation to use nets, gill nets, hoop nets, fish baskets, seines or any substitutes for any such devices, or cause any of the same to be used or placed in the waters of Randolph and Chambers Counties, and any person, firm or corporation who violates any of the provisions of this statute shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than one hundred dollars ($100.00).

Section 2. This Act shall go into effect upon its approval by the Governor of Alabama.

Approved March 5, 1931.

No. 98.) (S. 145. Teasley.

AN ACT

To fix the compensation or salaries to be paid the tax collectors and tax assessors in all counties in this State which now have or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people according to the last Federal Census or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, and to regulate the payment of same, to provide for the selection of clerical help and other assistance to said officers and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such officers; and to require all of said officers to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said officers as other monies belonging to said counties are paid, except any salary, fees or commissions paid said officers for collecting taxes for any municipality.

Be it Enacted by the Legislature of Alabama:

Section 1. That the tax collectors, and tax assessors in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than one hundred thousand people, according to the last Federal Census, or any such census which may hereafter be taken, where such officers are constitutionally paid upon a salary basis, shall be paid an annual salary, which shall be paid to and received by the said officers in lieu of all other compensations, fees or emoluments, as follows: The tax collectors shall receive an annual salary of four thousand dollars net, except as herein otherwise provided, and an allowance of thirty-four hundred dollars per annum for office help as follows; one clerk at twenty-four hundred dollars per annum, and one thousand dollars per annum for other expenses and ex-officio services of the said tax collectors. The said one thousand dollars to be paid to the said tax collectors in monthly installments, and the tax assessor shall receive an annual salary of four thousand dollars net except as herein otherwise provided, and an allowance of six thousand four hundred dollars per annum for office help as follows; one clerk at twenty-four hundred dollars per annum; one clerk at eighteen hundred dollars per annum; one clerk at twelve hundred dollars per annum; and one thousand dollars per annum for other expenses and ex-officio services of the said tax assessors. The said one thousand dollars to be paid to the said tax assessors in monthly installments.

Section 2. The Courts of County Commissioners, Boards of Revenue and other Courts of like jurisdiction are also authorized and empowered to furnish the Tax Assessor and Tax Collector of said counties extra clerical assistance not to exceed nine hundred dollars per annum for each of said offices whenever in their discre-

tion such assistance is necessary. The personnel of said assistants to be selected by the said Tax Assessor or Tax Collector for their respective offices.

Section 3. That all of said officers shall pay into the county treasury of said counties, all costs, charges of courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said officers as monies belonging to said counties are paid. Provided that any salary, fees or commissions paid to said officers for collecting taxes of any municipality shall not be paid into the treasury of said county, but shall be held by such officers as compensation for such services, in addition to their salaries as herein provided. The Courts of County Commissioners, Boards of Revenue and other courts of like jurisdiction shall have the power and authority to have audited the accounts of the said officers for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. That all compensations and salaries of the said officers mentioned in this Act and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the several counties affected in monthly installments.

Section 5. That the premiums on said officers bonds and the bonds of their clerks and deputies shall be paid out of the general funds of the several counties affected.

Section 6. That all laws or parts of laws, general, local or special in conflict with the provisions of this act be, and the same are hereby expressly repealed.

Approved March 5, 1931.

No. 99.) (S. 155. Teasley.

AN ACT

To fix the compensation of The Register of The Circuit Court for Ex Officio Services in all Judicial Circuits in the State which consist of one County and which have more than one and less than three Circuit Judges .

Be it Enacted by the Legislature of Alabama:

Section 1. That the register of the Circuit Court, in all judicial circuits in the State consisting of one county and having more than one and less than three circuit judges, shall be paid the sum of six hundred dollars per annum for the performance of all his ex officio duties and for such other ex officio services as may hereafter be required of him by law, and it shall not be necessary for the register to itemize such services and make oath thereto.

Section 2. The said sum of six hundred dollars per annum shall be paid in equal monthly installments to the register of the circuit court out of the treasury of the county composing such circuit.

Section 3. This Act shall become effective upon its passage and approval.

Approved March 5, 1931.

No. 102.) (H. 92. Culver.

AN ACT

To provide that all cities in Alabama which now have or may hereafter have a population of as much as twenty-four thousand and less than forty thousand according to the last Federal Census, or any such census which may hereafter be taken, shall be known and designated as Class "D" cities; to provide and create a Commission form of municipal government and to establish the same in all Class "D" cities of Alabama as herein defined; to abolish the offices of Mayor and Aldermen and otherwise provide for the creation and maintenance of said commission form of government; to provide for the selection and election of a chairman and two associate commissioners in lieu of mayor and aldermen; to prescribe limitations and qualifications for officers and employees and penalties for violation of the provisions of this Act. To Fix the Duties, powers and Compensation of the Board of Commissioners.

Be it Enacted by the Legislature of Alabama:

Section 1. All cities in the State of Alabama which now have a population of twenty-four thousand and less than forty thousand population, according to the last federal census, or which hereafter shall have such a population according to any such census that may hereafter be taken shall be known as Class "D" Cities, and the provisions of this Act shall apply only to such cities.

Section 2. That upon the passage and approval by the Governor of this Act, the offices of mayor and aldermen in Class "D" Cities be and the same are hereby abolished, and there is created in lieu thereof a Commission Form of Government which shall consist of a Chairman and two Associate Commissioners who shall be elected by the State Senate of Alabama and whose terms of office shall be until the first Tuesday in October, 1934. On the first Tuesday in September 1934, and every four years thereafter, and as herein provided, a Chairman and two Associate Commissioners shall be elected, and the General Election Laws of Alabama shall govern the conduct of such elections except as otherwise provided herein. Vacancies in said offices before the expiration thereof shall be filled by the remaining Commissioners and shall hold office for such unexpired term.

Section 3. The territorial limits of such city shall remain the same as under its former organization, except that all divisions into wards of such municipality shall be abolished, and all commissioners shall be elected at large.

Section 4. The Chairman and the Associate Commissioners provided for in this Act shall be known collectively as the "Board of Commissioners of the City of_____" (name of the city to be inserted), and it shall have the powers hereinafter provided. The first Commissioners appointed under the provisions of the Act shall qualify for office in the manner prescribed by this Act and shall take office within ten days after their appointment, or as soon thereafter as they may have qualified; and as soon as they have qualified for office in any such City, then such City shall at that time and thereby become organized under the Commission Form of Government provided for by this Act, and said Commissioners shall forthwith take office and enter upon their duties and assume the duties of such office.

Section 5. Such Board of Commissioners shall be municipal officers only, and shall have, possess and exercise the municipal powers, legislative, executive and judicial, now or hereafter conferred upon municipalities and governing bodies thereof. All laws governing such city, and not inconsistent with the provisions of this Act, shall apply to and govern said city after it shall become organized under the commission form of government provided by this Act. All laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization not inconsistent with the provisions of this Act, shall remain in force until altered or repealed, according to the provisions of this Act. All employees of said city and all officials except those whose terms of office are abolished by this Act shall continue in office until otherwise provided by said board of commissioners.

Section 6. In such Class "D" Cities the management and control of the public schools therein shall be vested in a Board of Education as provided by law.

Section 7. Every Class "D" City shall be governed and managed by the Board of Commissioners as herein provided, and each and every officer and employee of such city except the health officer and such persons as may be employed by him to enforce quarantine, and such other officers and employees as are designated in this Act, shall be selected and employed by the said Board of Commissioners, under its direction, and all salaries and wages paid by said city except as otherwise provided by the terms of this Act, shall be fixed by said Board of Commissioners; Where not otherwise provided in this Act, the Commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the title of city

health officer, all of whom except those herein otherwise specified, shall hold office and be removable at the pleasure of the Board of Commissioners.

Section 8. (a) The Chairman of the Board shall have direct supervision over the departments of public affairs, public safety, public health, city buildings and property, shall be chairman of all meetings of the Board and shall have general supervision over all matters pertaining to the government of such city; (b) One associate member shall have supervision of the departments of streets parks, public improvements and public utilities; (c) One associate member shall have supervision over the departments of finance and taxation, accounts and accounting, budget and appropriation. The powers and duties pertaining to each of said departments shall be fixed by the Board of Commissioners, and altered from time to time by them as they may deem best. Provided the administration of each department shall be under the supervision and control of the Board of Commissioners as a whole, and such Board shall be responsible therefor.

Section 9. Said Board of Commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said board from time to time, and publicly announced by it, and it may hold such adjourned, called and other meetings as may be necessary or convenient. The President of the Board, when present, shall preside at all meetings of said board, but shall have no veto power. A majority of the total number of members of said Board shall constitute a quorum for the transaction of any and every business to be done by said Board, and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of said board shall be necessary and sufficient for the passage of any resolution by law or ordinance, for the transaction of any business of any sort by said Board or the exercise of any of the powers conferred upon it by the terms of this Act or that may hereafter be conferred upon it, by law. This provision shall not be construed however, so as to prevent the said board from delegating or assigning to one or more of its members, or to such boards, commissions, officers or employees as may be created or selected by it, the performance of such executive or judicial duties and powers that are by this Act vested in said Board of Commissioners, as may be necessary or convenient, provided the same is done by resolution, by-law or ordinance duly enacted according to the terms of this Act where not otherwise provided. All meetings of the Board shall be open to the public. No resolutions, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, enacting any regulations concerning the public comfort, public safety or public health or of

any other general or permanent nature shall be enacted, except at a regular or adjourned public meeting of said Board, provided that a meeting of the Board of Commissioners may be called at any time to consider and act upon an emergency that involves the public safety or public health when not otherwise herein provided. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken and the yeas and nays thereon shall be recorded, a record of the proceedings of every such meeting shall be kept in a well bound book and every resolution and ordinance passed by the Board of Commissioners must be recorded in such book and a record of the proceedings of the meeting be signed by at least two of the Commissioners before the action taken shall be effective, such record shall be kept available for inspection by all citizens of such city, at all reasonable times.

Section 10. No ordinance granting any franchise, lease or right to use the public highways, or public property of any City organized under the provisions of this Act, shall take effect and be in force until thirty days after the final enactment of same by the Board of Commissioners and publication of said ordinance as provided by law, which publication shall be made at the expense of the persons, firm or corporation applying for said grant.

Section 11. In all elections each office of commissioner to be filled shall be designated, the associate commissioners being designated as associate commissioner numbers one and two respectively, and this shall be shown on the ballot prepared for such election. In filing statement of candidacy each candidate shall designate for which place he desires election. At every election each voter shall vote for only one candidate for each office and the candidate receiving the highest number of votes for such office shall be elected, provided he receives a majority of all votes cast for such office. In case no one of such candidates shall receive a majority of all such votes cast for the office for which he is a candidate another election shall be held on the same day of the following week for said officer at which the two candidates receiving the highest number of votes at the initial election for said office shall be voted for. The candidate receiving the highest number of votes at such final election shall be declared elected. Candidates declared elected shall qualify and take oath of office on the first Monday in October next following said election.

Section 12. The salary of the Chairman of such Commission shall be Three Thousand Dollars per annum and the salaries of the two Associate Commissioners shall be Eighteen hundred dollars each per annum divided into twelve equal monthly payments to be paid out of the general funds of such city on the first day of each month. The payment of all funds out of the treasury shall be by

warrants signed by the city clerk and counter signed by the Chairman of such Board, but no funds may be paid out for any purpose except by resolution or ordinance duly passed making such appropriation. The Board shall elect one of their number to act as Recorder or Municipal Judge who shall try all cases arising from the violations of city ordinances or other laws over which such courts may have jurisdiction.

Section 13. Each Commissioner shall before entering upon the duties of his office, give a good and sufficient bond, which shall be executed by a Bonding Company authorized to do business in Alabama, payable to and for the use and benefit of any such city, in the sum of Ten Thousand Dollars, conditioned upon the faithful discharge of his duties, and that he will save such city harmless from all loss caused by his neglect of duty, misfeasance in office or for the willful expenditure of any moneys of such city, in violation of law, and said bond before being accepted, shall be approved by the Judge of Probate in and for the County wherein such city is situated. The premiums on such bond shall be paid out of the city treasury. No member of the Commission nor any person holding an office of profit under them, shall hold any office of profit or trust under the laws of any State of the United States, or hold any County office; nor shall any Commissioner ever be elected or appointed to any office created by or the compensation of which was increased or fixed by the Commission, while he was a member thereof within two years therefrom.

Section 14. No officer or employee elected or appointed by any such city shall be interested, directly or indirectly, in any contract for work or material, for the profits thereof, or service to be furnished or performed for the city; nor shall any officer or employee elected or appointed be interested, directly or indirectly in any contract for work or materials or profits thereof or for the services to be furnished or performed for any person, firm or corporation operating or interested in any public carrier or public utility operating within the territorial limits of such city. No such officer or employee shall be interested in or attorney of any such public utility or common carrier mentioned herein. No person who is related by consanguinity or affinity nearer than the fifth degree to any Commissioner shall be allowed employment by election or appointment or receive compensation for services rendered such city. Any person violating any provision of this section shall upon conviction, be guilty of a misdemeanor and any elective officer violating this section shall be guilty of malfeasance in office and shall be punished as provided by the Laws of the State of Alabama. Any elective officer shall be subject to all the pains and penalties and enjoy all of the privileges and immunities as provided by the Constitution and General Laws of the State of Alabama applicable to

such officials. The Commissioners shall be qualified electors residing within the corporate limits of such City.

Section 15. At the end of each fiscal year the books and accounts of such City shall be audited by a reputable disinterested and certified accountant and such report shall be certified to by the city clerk and attested by the members of the Commission and published in pamphlet form, and printed copies furnished to newspapers of city and to persons who apply therefor. The Governor is authorized at any time to have all the books and accounts of such city examined by the State Examiner of public accounts, the cost of such examination shall be paid by such city upon the presentation to the Commission of a duly verified statement of such expense made by such examiner of public accounts, approved by the Governor.

Section 16. Except as otherwise expressly provided in this Act, all General and Local laws and parts of laws in conflict with this Act, be and the same are hereby repealed. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved March 6, 1931.

No. 103.) (H. 141. Morrow.

AN ACT

To amend Section 1897 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

That Section 1897 of the Code of Alabama of 1923 be, and the same hereby is amended so as to read as follows:

1897. BORROWING MONEY BY MUNICIPALITIES.—Cities and towns shall have the right to borrow money to the full extent authorized by the Constitution, and, in case of loans for temporary use, the same may be evidenced by negotiable notes and shall be repaid within twelve months from the time of borrowing, and shall not bear exceeding the legal rate of interest, and no obligation of the municipality for money borrowed shall be issued unless signed by the mayor and attested by the clerk, with the seal of the municipality impressed thereon, and a record kept thereof. Bonds authorized to be issued by cities and towns of the state by act of the legislature before the adoption of the constitution, or by laws adopted since the adoption of said constitution, may be issued by such municipality, the same after becoming reorganized under this chapter, as before.

Approved March 6, 1931.

No. 110.) (H. 226. Beebe.

AN ACT

To authorize the Board of Education of any County which is levying or may hereafter levy special county tax for school purposes under Article XIX of the Constitution of Alabama, and the statutes thereunder made and provided, and which has incurred indebtedness to erect, repair, enlarge or equip school buildings or to make improvements in school facilities of any public school district under its control in which a district school tax has been or is being, or may hereafter be levied, or to raise money for any such purposes, for the purpose of paying such indebtedness incurred for the benefit of a public school district under its control, or any renewal thereof, to borrow money and issue and sell interest bearing county school warrants therefor, and to pledge the said special county school tax levied under said Article XIX of the Constitution of Alabama, and the statutes made and provided, to the payment of such warrants, and to issue interest bearing county school warrants to any person or corporation in payment of such indebtedness incurred for the benefit of any such public school district and pledge such county school tax to the payment thereof; to provide the rate of interest thereon, the time such warrants may run, that such warrants shall not be sold for less than par, to limit the amount of such warrants; to provide the manner of executing, issuing and selling of such warrants and the payment thereof, and to provide that such warrants shall be preferred claims upon the special county school tax levied under Article XIX of the Constitution of Alabama and the statutes made and provided.

Be it Enacted by the Legislature of Alabama:

Section 1: That the County Board of Education of any County which is levying or may hereafter levy a special county tax for school purposes under Article XIX of the Constitution of Alabama, and the statutes thereunder made and provided, and which has incurred indebtedness to erect, repair, enlarge or equip school buildings or to make improvements in school facilities of any public school district under its control in which a district school tax has been or is being, or may hereafter be levied, or to raise money for any such purposes, for the purpose of paying such indebtedness incurred for the benefit of a public school district under its control, or any renewal thereof, may borrow money and issue and sell interest bearing county school warrants therefor, and pledge the said special county school tax levied under Article XIX of the Constitution of Alabama, and the statutes thereunder made and provided, to the payment of such warrants; and such Boards may issue interest bearing county school warrants to any person or corporation in payment of any such indebtedness incurred for the benefit of any such public school district, and pledge such county tax to the payment thereof.

Section 2: That the warrants authorized to be issued under Section 1 of this Act shall not be sold for less than par, nor issued to any person or corporation for less than par; that such warrants shall not bear a greater rate of interest than six percent per annum;

the due date of such warrants shall not extend beyond the 30th., day of September next after the time when the tax for the last year of such levy shall become delinquent, and that the total amount of such warrants falling due in any one year, together with the total amount of all other indebtedness, principal and interest, chargeable against such tax, shall not exceed the income for such year from the said special county school tax, estimating such income upon the basis of the assessed value of the taxable property in such county for the year preceding the issuance of the warrants; that such warrants shall be signed in the name of such Board by its President and may have coupons attached thereon evidencing the interest, such coupons may bear the fac-simile signature of the President of the Board; that such warrants may be sold at private sale without advertisement for bids, or the Board may advertise the same and sell the same under sealed bids, or the Board may issue such warrants to any person or corporation holding any such indebtedness incurred for the benefit of a public school district under its control, without first offering the same for sale.

Section 3: That all warrants issued by the County Board of Education under this Act shall be preferred claims upon the proceeds of the special county school tax levied under Article XIX of the Constitution of Alabama, and the statutes thereunder made and provided, each year during the period for which such warrants are issued to the extent of the warrants becoming due in such year. The County Board of Education shall set aside and appropriate thereto a sufficient amount of said tax income each year to the payment of such warrants.

Section 4: That all laws and parts of laws, general, special and local, in conflict herewith are expressly repealed.

Section 5: That this act shall go into effect upon its passage and approval.

Approved March 6, 1931.

No. 111.) (H. 227. Poole.

AN ACT

To amend Section 3810 of the Code of Alabama of 1923:

Be it Enacted by the Legislature of Alabama:

That Section 3810 of the Code of Alabama of 1923 be amended so as to read as follows: 3810. MONTHLY TERMS HELD. A County Court, for the trial of misdemeanors, shall be held on the first Monday of every month, or on such other day of every month as the Judge of said Court may designate, at the Court House thereof, and may continue until the business is disposed of. In

counties where the Circuit Courts are held in two places, for the trial of criminal cases, the County Courts shall be held at the same places at the county site or the first Monday in each month, or on such other days in each month as the Judge of such Court may designate, and at the other place on the second Monday in each month, or on such other days in each month as the Judge of said Court may designate.

Section 2. All laws or parts of laws, general, special or local, in conflict with the provisions of this Act, be and the same are expressly repealed.

Section 3. This act shall take effect immediately upon its passage and approval by the Governor.

Approved March 6, 1931.

No. 114.) (S. 119. Garrett.

AN ACT

To authorize County Commissioners, Boards of Revenue and Road Commissioners, or like bodies exercising the same jurisdiction, by whatever name called, to grant a license for a period of not exceeding thirty years, to any person, firm or corporation to construct, own or operate a toll bridge or ferry over or across any of the waters within the county granting such license, and upon such terms as such body may deem for the public good.

Be it Enacted by the Legislature of Alabama:

Section 1. That the County Commissioners, Boards of Revenue and Road Commissioners, or like bodies exercising the same jurisdiction by whatever name called, are hereby authorized to grant a license for a period of not more than thirty years, to any person, firm or corporation to erect, construct, maintain and operate a toll bridge or ferry over or across any waters within the county, upon such terms as such body may deem for the public good. Provided, that such authorization shall be by and with the consent and approval of the Alabama Bridge Corporation. Provided, further, this Act shall apply only to bridges hereafter constructed, and to ferries hereafter authorized; and provided, further, that nothing herein contained shall be construed as repealing, modifying or extending the provisions of Section 6451 of the Code of 1923.

Section 2. This Act shall take effect upon its approval by the Governor.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Approved March 6, 1931.

No. 115.) (S.J.R. 44—Garrett.

SENATE JOINT RESOLUTION

WHEREAS there is a great deal of complaint, criticism, misunderstanding and lack of information as to how the funds of the Educational Department, known as the Equalization and Trust Funds have been and are being expended in the various counties; and

WHEREAS, apparent gross discrimination is being practiced in that some of the counties of this State are receiving from the Educational funds a much larger amount than others per capita for each child.

THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a joint committee from the Senate and House of Representatives is hereby authorized to consist of two members from the Senate to be appointed by the Lieutenant-Governor, and three members from the House to be appointed by the Speaker of the House, which said committee shall upon the reconvening of the Legislature on March 31, 1931 investigate the expenditure of all school funds and report to the Legislature it's findings and conclusions, and recommend such legislation as it may deem necessary and wise to insure a fair, just and equal distribution of said funds.

Approved March 9, 1931.

No. 116.) (S. 7—Beasley.

"AN ACT

To amend Section 7883 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:

That Section 7883 of the Code of Alabama, 1923, be amended so as to read as follows: 7883. ALIENATION OF HOMESTEAD WHEN OWNER A MARRIED MAN. No mortgage, deed or other conveyance of the homestead by a married man shall be valid without the voluntary signature and assent of the wife, which must be shown by her examination, separate and apart from him, before an officer authorized by law to take acknowledgments of deeds, and the certificate of such officer upon, or attached to such mortgage, deed, or other conveyance, which certificate must be substantially in the form for homestead acknowledgement in Section 6845."

Approved March 9, 1931.

No. 117.) (S. 40—Hubbard.

AN ACT

To exempt Disabled Veterans of the World War and Spanish American War from the payment of occupational taxes in the State of Alabama and to provide the manner in which such exemption shall be allowed.

Be it Enacted by the Legislature of Alabama:

Section 1. That any bona fide permanent resident elector of the State of Alabama, who served as an officer or enlisted man in the United States Army, Navy or Marine Corps during the World War between April 6th, 1917, and November 11th, 1918, or in the Spanish-American War between April 21st, 1896, and July 4th, 1902, and who was honorably discharged from the service of the United States, and who at the time of his application for license as hereinafter mentioned shall be disabled from performing manual labor, shall upon sufficient identification and proof of being a permanent resident elector in the state and production of an honorable discharge from the service of the United States during the World War or Spanish-American War be granted a license to engage in any business or occupation in the State of Alabama which may be carried on mainly through the personal efforts of the licensee, and as a means of livelihood, and shall not be required to pay any license tax otherwise provided for by law, whether State, County or Municipal. The exemption heretofore referred to shall extend to and include the right of licensee to operate an automobile for hire of not exceeding five-passenger capacity, including the driver, when it shall be made to appear that such automobile is bona fide owned, or contracted to be purchased by the licensee, and is being operated by him as a means of livelihood, and the proper license tag for the operation of such motor vehicle for private use has been applied for and attached to said motor vehicle, and the proper fees therefor paid by the licensee.

Section 2. It shall be the duty of each and every License Collecting authority of this State, or municipality thereof to issue without charge to such persons as may be entitled to license hereunder a license to engage in any business or occupation which may be carried on mainly through the efforts of the licensee and which is used by him as a means of livelihood, and such license when issued shall be marked across the face thereof, "World War Veteran's License" or "Spanish American War Veteran's License"—"Not Transferable", as the case may be, which license shall be issued on the same form as other licenses are issued, but without charge, fee or other prerequisite of any kind, except proof duly made that the applicant is entitled to credit and intent of this law to receive the exemption herein provided for, which proof may be made by exhibiting a certificate of Government rated disability to

an extent of 10% or more, or the affidavit or testimony of a reputable physician who personally knows the applicant, and who makes oath that the applicant is disabled from performing manual labor as a means of livelihood, or by the certificate of any post of Spanish American War Veterans, or World War Veterans, duly executed under the hand and seal of the Chief Officer and Secretary thereof attesting the fact that the applicant is disabled and entitled to receive a license within the meaning and intent of this Act, or by the production of a pension certificate issued to him by the United States of America. All licenses issued under this Act shall be in the same general form, and expire at the same time as other State and County licenses are fixed by the law to expire.

Section 3. All licenses obtained under the provision of this Act by the Commission of fraud upon any issuing authority shall be deemed null and void, and any person who has fraudulently obtained such license, or who shall fraudulently receive any transfer of a license, issued to another and thereafter engage in any business or occupation requiring a license under color thereof, shall be subject to prosecution as for engaging in a business or occupation without having the required license under the General Laws of the State of Alabama. Nor shall said license be issued in any county other than the county wherein said veteran is a bona fide resident citizen elector, provided, however, that should such veteran desire to engage in business or an occupation in a county within the State of Alabama other than the county in which he is a bona fide resident citizen elector he shall produce the license issued in such county to the License collector in the county where he desires to do business and such License collector shall countersign the same and it shall be valid as though issued in such county where countersigned, and license collectors, shall countersign such license when so presented, without charge, fee or other prerequisites of any kind, provided that nothing herein shall authorize a licensee to engage in or conduct any occupation in more than one county at the same time, nor to conduct other than one single business of the kind permitted hereunder at one time."

Section 4. All Laws or parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 5. This Act shall take effect upon its approval by the Governor.

Approved March 9, 1931.

No. 118.) (S. 127. Craft.

AN ACT

To authorize counties in Alabama having a population of 100,000 and less than 300,000 according to the last preceding or any subsequent Federal census: (1) To construct or to acquire when constructed under contract with the County and operate bridges, fills and cause ways and roads and approaches thereto and appurtenances and equipment thereof, herein called improvements for highway use approaching or across any sound, stream or body of water in the county, or connecting any points within the county, said improvements lying wholly within said County; and (2) To that end to authorize such county to issue special revenue securities as defined and provided in this Act, to be secured by mortgage or lien upon such improvements, or any part thereof, and upon the tolls or revenues therefrom or any part thereof; and to authorize the county to execute a mortgage, lien or other instrument defining and securing the same and defining the terms, rights and security of the holders of such securities; also to stipulate that said securities shall not be a general or other obligation of the County; and that same shall be, together with any such improvement, exempt from filing and ad valorem taxes, as provided in this Act; also, (3) To authorize the levy, collection and application of tolls for the use of such improvements. (4) To prohibit the levy or collection of any special tax or license for constructing, acquiring, maintaining or operating such improvements.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Every county in the State of Alabama having population of 100,000 and less than 300,000 according to the last preceding or any subsequent Federal Census, acting through the Board of Revenue and Road Commissioners or other governing body of such county, shall be and is hereby authorized and empowered to construct, or to acquire when constructed under contract with the county, or improve or cause to be constructed, or improved, bridges, fills and causeways, and roads and approaches thereto, herein termed improvements, for highway use, approaching or across any stream, sound or body of water in such county, or connecting any points within the county, lying wholly within said county, together with all other appurtenances, improvements and equipment therefor deemed necessary or appropriate by such county authority.

Section 2: To that end such county is authorized to issue special revenue securities to be defined, described and secured by mortgage or lien upon the improvements created thereby or any part thereof and upon the revenue to be derived therefrom or any part thereof and such county is authorized to execute such mortgage or lien and to provide that such securities shall not be an obligation or liability of the county.

Section 3. Such special revenue securities may be created, defined and/or secured by mortgage upon said improvement or any part thereof or by vendors or other lien reserved or described in the deed or agreement conveying the same or by other appropriate instrument approved or executed by the county.

Section 4: All instruments executed or approved by the county and authorized by this act shall be exempt from the payment of any tax or fee for the privilege of filing the same for record other than the recording fee; and all such improvements, whether owned or operated by the county or for account of the county or by a Trustee for the use of the holders of such bonds or certificates, shall be exempt from any ad valorem tax within the power of the Legislature to waive and such securities shall also be exempt from all such taxes.

Section 5: That the cost or contract price of said improvement or bridge or said securities that may be issued or authorized by this Act shall not be deemed or held as to principal or interest to be a general or other obligation or liability of the county.

Section 6. Such securities may be made payable according to their face not later than twenty-five (25) years from date of issue, may bear interest at a rate not exceeding 6% per annum, and may provide for the acceleration of maturity thereof in the events stipulated therein or in the instrument defining or securing same.

Section 7. Such securities may be negotiated and sold by the county at private sale or after advertising for bids as the County may deem best, but shall not be sold for less than 90. The proceeds of such sale shall be applied or disbursed as may be provided by the mortgage, deed of trust or instrument reserving lien relating to the same. Tolls shall be levied and collected and the gross or net proceeds thereof shall be applied as may be provided in any such mortgage, deed of trust or reservation of vendor's lien. Such tolls shall be in such amount and so classified as may be agreed by the county in any such instrument. The amount of such tolls so agreed upon shall not be subject to regulation by the Alabama Public Service Commission or other governmental authority.

Section 8: The County shall not, so long as any part of such principal, interest or other lawful charge provided for by any such instrument shall remain unpaid, itself build or operate or grant any franchise or permit for the building of or enter into contract for the construction or acquisition of any other bridge or ferry or other improvement over or across the same body of water within the County which would divert or compete substantially for traffic with such improvement except with the consent of the holders of such securities.

Section 9: All laws and parts of laws inconsistent with the provisions hereof are hereby repealed.

Section 9½: That any said county under this Act is hereby expressly prohibited from levying for the purpose of constructing said improvement or paying the cost of any contract or principal or interest, any special tax or gas tax or license or making any appropriation to pay the obligation or any part thereof evidenced by said securities authorized under this Act.

Section 10: In the event that any provision or section of this Act shall be found or declared to be in conflict with the provisions of the Constitution of Alabama, the remainder of the Act shall nevertheless be valid and effective, each part and provision hereof being hereby expressly declared to be separable and independent of any other part.

Section 11: This Act shall be effective immediately upon its passage and approval.

Approved March 10, 1931.

No. 119.) (S. 140. Beasley.

AN ACT

Consenting to the acquisition by the United States of land, water, or land and water, within the State of Alabama for migratory-bird reservations authorized by Act of Congress of February 18, 1929.

Be it Enacted by the Legislature of the State of Alabama:

Section 1. Consent of the State of Alabama is given to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in the State of Alabama, as the United States may deem necessary for the establishment of migratory-bird reservations in accordance with the Act of Congress approved February 18, 1929, entitled "An Act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes," reserving, however, to the State of Alabama full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of said Act of Congress.

Section 2. This act will become effective upon its passage and approval by the Governor.

Approved March 9, 1931.

No. 123.) (H.J.R. 57—Goodwyn.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that the Legislature of Alabama expresses the gratitude of the State to Mrs. R. D. Johnston of Birmingham, Alabama, for her unselfish service in inaugurating and

establishing under great difficulties, and in being largely the guiding spirit for the past thirty years of its existence, of the Alabama Boys' Industrial School and also for her religious and educational work among prisoners of Alabama during the ten years preceding the founding of the Alabama Boys' Industrial School. Mrs. Johnston has never received any compensation or payment of any kind for her forty years of unselfish, devoted work among the unfortunates, and as she is now approaching her eighteith year, the Legislature of Alabama deems this an appropriate time not only to congratulate her and to wish her many years of health and happiness but to assure her of the love and gratitude of the people of Alabama.

Approved March 9, 1931.

No. 124.) (H.J.R. 66—Goodwyn.

HOUSE JOINT RESOLUTION

WHEREAS, in the Fall of 1917 and through part of the winter of 1918, the 37th Division of United States Troops, comprised of officers and men from the State of Ohio, served in Camp Sheridan temporarily before proceeding to the battlefields of Europe, and

WHEREAS, the people of Montgomery and of Alabama, who came in contact with the splendid personnel of that organization, formed a high opinion of the character and patriotism of these Ohio soldiers, who are remembered by the people here with high regard and affection, and

WHEREAS, the surviving members of said 37th Ohio Division will hold a re-union in the City of Montgomery on November 9th, 10th and 11th, 1931;

THEREFORE, BE IT RESOLVED: by the House of the Alabama Legislature, the Senate concurring, that we are glad to know that these fine representatives of the people of Ohio will again spend a few days in our midst and we cordially invite the Legislature of the State of Ohio to visit us in Alabama during said Re-union.

Approved March 9, 1931.

No. 125.) (H.J.R. 69—Sossaman.

HOUSE JOINT RESOLUTION

WHEREAS no man in Alabama has done more for the cause of Good Roads than Senator John Craft, he having devoted more than a quarter of a century and spent freely of his substance in an effort to "Take Alabama Out of the Mud", and

WHEREAS it is our desire to render honor where honor is due, and to create an everlasting memorial to the memory of this great man.

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that the State and Federal Aid Road now designated by the Highway Department as No. 5, be and hereby is named "John Craft Highway".

Approved March 9, 1931.

No. 126.) (H.J.R. 74—Goodwyn.

HOUSE JOINT RESOLUTION

To approve and adopt the original musical setting by Mrs. Edna Gockel-Gussen, of Birmingham, Alabama, of the words of the poem "Alabama," by Julia S. Tutwiler, and make the same the State song for Alabama.

WHEREAS, the beautiful and inspiring words of the poem "Alabama", a gift to the people of the State from that distinguished citizen and educational leader, Julia S. Tutwiler, whose life was dedicated to unselfish service for humanity, has never been fittingly set to original music in keeping with its beauty; and,

WHEREAS, Mrs. Edna Gockel-Gussen, another distinguished creative artist of Alabama has written an original composition fittingly adapted to the inspiring lines of this poem, which has been approved and adopted by the Alabama Federation of Music Clubs and was awarded its prize at their annual Convention at Gadsden in 1917, and for ten years has been sung and used as the state song of Alabama by the musicians of the State; and,

WHEREAS, the gift by Mrs. Gussen of this beautiful arrangement of music to the words of this poem is a service which is deeply appreciated by the people of our State and deserves recognition, and renders the poem much more beautiful and inspiring than with music not specially composed for it:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, that this original music written by Mrs. Gussen for the poem "Alabama" and as approved and adopted by the Federation of Music Clubs of Alabama be, and the same hereby is, adopted;

BE IT FURTHER RESOLVED, That said poem as set to music by Mrs. Gussen, be, and the same is hereby adopted as the State song for the State of Alabama.

Approved March 9, 1931.

No. 127.) (H.J.R. 75—Tunstall.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, As Follows:

First, That the Sheriffs of each of the Several Counties of the State of Alabama, are hereby authorized and directed to send to the Committee on Privileges and Elections of the United States Senate, Washington, D. C., by registered mail when said Sheriffs have received from the said Committee mailing bags and prepaid postage all ballot boxes and their contents used at the General Election in the State of Alabama, November 4, 1930, in exactly the condition which said boxes and their contents were in on February 28, 1931, each box to be accompanied by a certificate of such respective Sheriff setting forth its condition, and showing specifically whether such box has been opened since the day of the General Election, and if so, under what circumstances and for what purposes and in whose presence, and whether the said box and its contents are intact as of the hour of sealing such boxes following the General Election, and showing further whether such box is exactly in the condition which it was in on February 28, 1931.

Section 2. Be it further resolved, that the Secretary of the Senate is hereby directed to mail to each Sheriff in the State of Alabama a copy of this Resolution immediately upon its adoption and approval by the Governor.

Approved March 9, 1931.

No. 129.) (H. 56—Stewart.

AN ACT

To require all county officers who receive or distribute county funds or moneys to make quarterly reports to the Court of County Commissioners, Boards of Revenue, or other governing body of the County.

Be it Enacted by the Legislature of Alabama:

Section 1. All county officers who officially receive or distribute any county or public funds or moneys are hereby required to make quarterly reports of the amounts received and the amounts distributed, including a certified statement as to the distribution, showing to whom paid, the time of payment, and for what purpose. This itemized statement shall include moneys, fees or compensation paid by such officers to themselves or their assistants, agents or employees.

Section 2. Such statements when made shall be filed by the probate judge or chairman of the court of county commissioners, board of revenue, or other governing body of the county, and shall become a part of the records of such court of county commissioners, board of revenue, or other governing body of the county, and be open and subject to inspection by the public.

Section 3. The reports of the county officers herein provided for shall be made on or by the 15th day of February, the 15th day of May, the 15th day of August, and the 15th day of November of each year.

Section 4. Any County officer who fails or refuses for thirty days after the time herein provided for making the reports herein required shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than five hundred dollars.

Section 5. This act shall go into effect immediately after its passage. Provided, that the provisions of this act shall not apply to counties whose officers are on a salary basis.

Approved March 9, 1931.

No. 130.) (H. 185. West.

AN ACT

To amend Section 208 of Article IX of the Alabama School Code as adopted by an Act entitled an Act "To adopt the code of laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927, entitled an Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to Education," approved August 27, 1927.

Be it Enacted by the Legislature of Alabama:

Section One. That Section 208 of Article IX of the Alabama School Code as adopted by an Act entitled an Act "To adopt the code of laws relating to Education prepared in accordance with the provisions of the Act approved August 11, 1927, entitled an Act to provide for the revision, codification, digesting, and promulgation of the public statutes of Alabama relating to Education," approved August 27, 1927, be amended so as to read as follows: 208. When lands or any interest therein shall be by the Board of Education deemed necessary for the site of a school house or for enlarging a school house lot, or for playgrounds or other public school purposes, and the Board of Education for any reason shall be unable to contract with the owner or owners for the title thereof the said Board of Education may institute condemnation proceedings to acquire such lands or the interest therein. That said condemnation proceedings shall be in all respects conducted and regulated as provided by Article 1. (one) of Chapter 286 of the Code of Alabama of 1923.

Approved March 9, 1931.

No. 131.) (H. 213—Harrison.

AN ACT

To amend Section 4188 of Code of Alabama 1923 providing open season on Game Birds and providing penalties for violation of same.

Be it Enacted by the Legislature of Alabama:

That Section 4188 of the Code of Alabama be amended to read as follows:

4188. OPEN AND CLOSED SEASON AS TO GAME BIRDS. No person or persons shall injure, kill, or hunt or destroy, by any means whatsoever, or have, or be in possession of, except as expressly permitted by the provisions of this Code, the following named game birds except between the following dates; wild turkey gobblers, December 1st to December 31st, following; and from March 1st to April 10th, following; quail (bob-white partridge) from November 20th to February 20th following. Under special permit issued by the Commissioner of Fish Game and Fisheries to the President, Board of Directors or Secretary of duly organized field trials clubs, said clubs may engage in field trials up to but not including March 1st; but shooting of birds shall not be permitted during such field trials. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for each offense.

Approved March 9, 1931.

No. 132.) (H. 217. Goodwyn.

AN ACT

To establish Jury Boards in every county in this State which now have or which may hereafter have a population of 75,000 and not more than 100,000 according to the last federal decennial census or any such census which may hereafter be taken; and to provide that the clerk of the circuit court of all such counties shall be ex-officio clerk of such Jury Boards; to fix the salary of such clerk and the manner of its payment.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Jury Boards of all counties in this State which now have or which may hereafter have a population of 75,000 and not more than 100,000 according to the last federal decennial census or any such census which may hereafter be taken, shall be the same as provided under an act to establish Jury Boards in the several counties of this State, to fix the membership of said boards, to prescribe the qualifications and terms of office and provide for the appointment of the members thereof; to fix their compensation

and to define their duties; to provide for the appointment, duties and compensation of clerks of said Boards, for the qualifications of jurors for the preparation of jury rolls and the emptying, filling and refilling of jury boxes; and to provide for the payment of the necessary expenses of the Boards. Approved February 20, 1931.

Section 2. The clerk of the circuit court of such counties shall be ex-officio clerk of the Jury Boards in such counties, and shall take the oath and perform all the duties now required by law of clerks of Jury Commissions in this State. Said clerk of the Jury Boards shall receive for his services as such the sum of Twelve hundred dollars per year, payable in twelve equal monthly installments, out of the treasury of such county upon the order of the President of the Jury Boards.

Section 3. All laws and parts of laws, general, local or special in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 4. This Act shall take effect upon its approval by the Governor.

Approved March 9, 1931.

No. 133.) (H. 242—Sanderson.

AN ACT

To Prescribe The Qualifications, Duties, And To Impose Additional Duties, And Fix The Compensation And Allowance of Coroners In All Counties Of This State Which Now Have Or May Hereafter Have A Population Of More Than Seventy Five Thousand People And Less Than One Hundred Thousand People, According To The Last United States Census, Or Any Such Census Which May Hereafter Be Taken.

Be it Enacted by the Legislature of Alabama:

Section 1. That in counties of this State which now have or may hereafter have a population of more than Seventy five thousand people, and less than One Hundred Thousand people, according to the last United States Census, or any such census which may hereafter be taken, it shall be a necessary requirement to hold the office of Coroner, that such person as may be elected, shall be a qualified voter.

Section 2. That Coroners in the class of counties described in section one of this Act shall perform all of the duties now required of Coroners by the laws of Alabama; and in addition thereto, it shall be the further duty of all such Coroners to report in writing the result of his findings, at all inquisitions held by him, said report to be filed with the Solicitor of county at the end of each month; it shall be the further duty of all such Coroners when called to conduct an inquisition into the death of a deceased person, to take pos-

session of the body of the deceased together with his or her personal effects, and hold same in a suitable place until claimed by the relatives, administrators, executors or heirs of the deceased, or as otherwise provided for by law.

Section 3. That each Coroner in each county in the class of counties as described in section one of this Act shall receive for his compensation, and for other expense and ex-officio services of said Coroner the sum of Nine Hundred Dollars per annum, which sum shall be payable in equal monthly installments out of the general fund of the counties affected by this Act upon warrants issued by the boards of county commissioners or boards of revenue in said counties.

Section 4. That such Coroners shall have no other or further compensation than named in section three of this Act, and all fees and compensation in any way belonging to or appertaining to the office of Coroner shall be paid by him into the general fund of the county treasury.

Section 5. If any section, clause or provision of this Act shall be declared to be unconstitutional, the same shall not be held to affect any other section, clause or provision, but same shall remain in full force and effect.

Section 6. That all laws and parts of laws in conflict with this Act are hereby expressly repealed.

Section 7. That this act shall become effective upon its approval by the Governor.

Approved March 9, 1931.

No. 134.) (H. 265.—Wallace.

"AN ACT

Directing the Disposition of Interest on that Portion of Money which remains of a Fund heretofore turned over by the United States Government to the State of Alabama,—for payment to Members of the Alabama National Guard, from time of their Call for Duty in 1898, until their Muster into Service of the United States for the Spanish-American War,—by payment of such interest to the Department of Alabama, United Spanish-American War Veterans."

WHEREAS, of a Fund known as the "Interim Pay Fund", and as the "Spanish-American War Relief Fund",—appropriated by the United States Government, for pay of members of the Alabama National Guard, for time served between date of their Call for Duty and their Muster into Service of the United States, during the Spanish-American War in 1898,—there remains in possession of the State of Alabama, and un-claimed by Veterans of such War,—a balance amounting to Seven Thousand, Four Hundred, Six and 57/100 ($7,406.57) Dollars, as of 31st December, 1930; and,

WHEREAS, said balance was,—as shown on page 673 of Old Ledger, and on page 16, General Fund Statement, State Auditor's Office,—closed into the General Fund of the State on 30th September, 1921, and the State has had the use and benefit from such moneys in the amount named; and

WHEREAS, for many years there have been no claimants for any part of this Fund, with the probability that the number of claims against the same will become less and less, and more remote; Now, therefore,

Be it Enacted by the Legislature of Alabama:

Section 1: That the Governor of the State shall be the Trustee of said Interim Pay Fund, and shall, on 30th June, 1931, pay over to the Quartermaster, Department of Alabama, Spanish-American War Veterans, the interest accruing on said sum, at the rate of four per cent., per annum, during the period from 1st January, 1931, to 30th June, 1931. Thereafter, the Governor, as such Trustee, shall pay over to said Department Quartermaster, semi-annually each year, (namely, as of 31st December, and 30th June) interest on such portion of this Fund as shall remain in the State Treasury as unexpended for legal claims against the same,—the rate of interest for such semi-annual payments to be the same as that hereinbefore specified. Said interest, when so paid to such Department Quartermaster, shall be expended by him only on the written approval of the Department Commander, Spanish-American War Veterans of Alabama, and solely for welfare work among its needy comrades, their widows and their children, and current use of said Organization.

Section 2. Said Department Quartermaster, as the financial agent and Disbursing Officer of the Spanish-American War Veterans of Alabama, shall furnish a surety bond in the amount of five hundred ($500.00) dollars, in a Surety Company authorized to do business in the State of Alabama, conditioned upon the faithful performance of his duties as specified herein, and such bond to be approved by said Department Commander.

Section 3: Said Trustee of the above Fund shall have authority to invest the same, or any part thereof, in such securities as are legal for Trust Funds in this State.

Section 4: All Acts in conflict with this Act are hereby repealed.

Section 5: This Act shall take effect from date of its passage and approval.

Approved March 10, 1931.

No. 135.) (H. 282. Goodwyn.

AN ACT

To provide for an additional allowance of money for extra expenses and assistance and ex-officio services to all sheriffs in Counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal Census or any such Census which may hereafter be taken where such Sheriffs are constitutionally paid upon a salary basis, and to provide for the payment of same.

Be it Enacted by the Legislature of Alabama:

Section One. The Sheriffs in all counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 100,000 people according to the last Federal Census or any such Census which may hereafter be taken where such Sheriffs are constitutionally paid upon a salary basis shall be allowed the additional sum of $630.00, for extra expenses and assistance and ex-officio services to such Sheriffs in the operation of his said office during the year 1931, which said amount of money shall be in addition to all other amounts of money now allowed by law to such Sheriffs.

Section Two. The Courts of County Commissioners, Boards of Revenue or other Courts of like jurisdiction in such Counties shall pay said allowance of money to said Sheriffs, out of the general funds of such Counties, upon the approval of this Act.

Section Three. That this Act shall go into effect immediately upon its approval by the Governor.

Approved March 9, 1931.

No. 136.) (H. 288—Barber.

AN ACT

To confer upon municipalities (which term as used herein includes counties, cities, towns and incorporated villages), power and authority, and to prescribe and define the powers, duties and responsibilities of municipalities in this state, with respect to the provision of facilities for and aids to aerial navigation, and with respect to the acquisition, ownership, operation, extension, enlargement, improvement and regulation of airports and facilities and/or air rights therefor and/or thereat, and with respect to the issuance and sale of bonds for the purpose of extending, enlarging and improving an airport or airports and of acquiring and/or improving land for airport uses, or property purchased or condemned to facilitate the operation of an airport or airports, when the issuance of such bonds has been heretofore, or shall be hereafter authorized by vote of the qualified electors of such municipalities, and conferring upon municipalities extra territorial zoning and police powers to safeguard the public against dangers incidental to the operation of airports, and power to furnish, supply and/or sell upon such airports facilities and services and supplies con-

venient or useful to the owners, operators and users of aircraft, and of persons resorting to or using such airports, and creating and providing for liens upon civil aircraft for such supplies, facilities and/or services, whether furnished by such municipalities or concessionaires on such airports, and for the enforcement of such liens, and conferring upon municipalities powers of eminent domain (including extraterritorial power of eminent domain) to acquire lands needed or useful for such airports and/or in order to enable such municipalities to secure all air rights and remove all obstructions necessary or proper to or in the operation of such airports, and conferring upon municipalities the right to use public parks for airport purposes.

Be it Enacted by the Legislature of Alabama:

Section 1. SHORT TITLE. This Act may be referred to and cited as "The Municipal Airport Act."

Section 2. DEFINITIONS. When used in this Act, unless the context plainly indicates otherwise, the present tense shall include the future tense, and the following words and phrases shall have the meanings respectively ascribed to them by this section. "Aircraft". Any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for use primarily as safety equipment. "Civil Aircraft". Any aircraft other than a military aircraft of the United States, or of a state, territory or possession of the United States. "Operating Aircraft." Performing the services of aircraft pilot. "State". The State of Alabama. "Municipality". County, City, town or incorporated village of the State of Alabama. "Municipal Airport". Airport under the direct control and management of municipality, provided that, for the purpose of this and the following definition, the letting by a municipality to others of any privilege or concession upon an airport shall not be construed as depriving the municipality of any control or management over any part of such airport, or the operations thereon. "Operating Airport". Managing and controlling airport open for use.

Section 3. MUNICIPAL AIRPORTS; AUTHORITY TO ESTABLISH. Each municipality of this State is hereby authorized to acquire, establish, construct, expand, own, control, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft, either within or without the geographical limits thereof.

Section 4. MUNICIPAL AIRPORTS; PARKS. Each such municipality shall have power and authority to establish, construct, equip, improve, maintain, operate and regulate airports or landing fields in and upon any public parks or other property now or hereafter owned by such municipality, whether acquired by condemnation or otherwise, and the use of parks for such purpose or purposes is hereby declared a proper park use.

Section 5. MUNICIPAL AIRPORTS; GOVERNMENTAL FUNCTION. The construction, maintenance and operation of municipal airports is hereby declared a public governmental function, and no action or suit shall be brought or maintained against any municipality for or on account of the negligence of such municipality, or of its officers, agents, servants or employes, in or about the construction, maintenance, operation, superintendence or management of any municipal airport.

Section 6. MUNICIPAL AIRPORTS; METHOD OF ACQUISITION. Whenever, in the judgment or the council, or other governing body, of any municipality of this State, it shall appear necessary or expedient for such municipality to acquire privately owned lands for airport uses, either within or without the geographical limits thereof, such municipality shall have power to acquire the same in fee simple by exercise of the right of eminent domain, by purchase or by gift. Each such municipality shall also have power to acquire a term of years in lands for airport uses.

Section 7. MUNICIPAL AIRPORTS; EMINENT DOMAIN; LAWS APPLICABLE. In the event any municipality shall resort to condemnation proceedings for the acquisition of lands for airport uses, such proceedings shall be governed in all respects by the laws of this State applicable to the condemnation by such municipality of lands for other public purposes.

Section 8. MUNICIPAL AIRPORTS; CONTROL OF COUNCIL. When any municipality has acquired or set apart land for use as a municipal airport, the council, or other governing body, of such municipality shall have the power and authority to develop the same into a municipal airport and to improve, equip, maintain, operate, regulate, and police the same. Such governing body may adopt regulations for the government of the municipal airports of such municipality, provide penalties for violation of such regulations, and establish and collect fees, tolls and charges for the use of such airports and/or parts thereof and/or any facilities thereof and/or any equipment thereof. The power and authority committed by this section to the governing body of such municipality may be by it conferred upon a board or officer of such municipality, or upon any board created by law for the government of the parks of such municipality, subject always, however, to the superior control of such governing body.

Section 9. MUNICIPAL AIRPORTS; SERVICE. Any municipality which has established, or which shall hereafter establish, a municipal airport shall have authority to furnish or supply upon said airport to persons and aircraft thereon, for reward of compensation, goods, commodities, area, facilities and services convenient or useful to the owners, operators and users of aircraft, and to persons upon said airport, including, without limiting the

generality of the foregoing, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline, motors and aircraft, motor and aircraft parts, space in buildings, space for buildings and structures, and the service of mechanics, instructors and hostlers. Any such municipality may, for reward or compensation, confer upon individuals, firms, corporations or companies, the privilege or concession of supplying upon such airport all or any part of the goods, commodities, things, services and facilities in this section authorized to be supplied.

Section 10. MUNICIPAL AIRPORTS; LIEN. Each municipality which is operating a municipal airport shall have a lien upon any civil aircraft for the reasonable price of supplies, space, facilities and/or services furnished by such municipality upon said airport to such aircraft and/or the operator thereof. Each such municipality may, by ordinance, rule or regulation, give to concessionaires of such municipality liens upon civil aircraft for the reasonable price of supplies, space, facilities and/or services furnished upon said airport to such aircraft and/or the operator thereof by such concessionaires, and may prescribe the circumstances and conditions under which such liens shall attach. The liens provided for in this section shall be superior to all other liens, except the liens of State, County and City for taxes, and the operator of such aircraft shall be deemed the agent of any owner, mortgagee or lienor thereof for the creation of such superior liens. The lien given by this section to municipalities shall be superior to liens of concessionaires. The liens provided for in this section may be enforced in equity, or by attachment, in the manner provided by Article 3 of Chapter 313, Code of Alabama of 1923. The municipality shall also have the right to detain such aircraft upon said airport until its lien and/or the liens of concessionaires have been fully satisfied.

Section 11. MUNICIPAL AIRPORTS; AIR RIGHTS; OBSTRUCTIONS; ABATEMENT; EMINENT DOMAIN. Any municipality of this State which has established and is operating a municipal airport shall have the power and authority to condemn, or acquire by purchase or gift, the right to abate or remove, any structure, building, tower, pole, wire, tree, woods, or other thing, or portion thereof, located within one-quarter of a mile of such airport, which the governing body of such municipality shall determine to constitute a menace to the safety of aircraft using such airport, including the right of ingress to and egress from the land upon which such structure, building, tower, pole, wire, tree, woods or other things exists, for the purpose of such abatement or removal. In addition to the foregoing power and authority, any such municipality shall also have the power and authority to condemn, or acquire by purchase or gift, the right to the unobstructed

use of such portion of the air space above lands within one-quarter of a mile of such airport as the governing body of such municipality may determine to be necessary for the safe landing and taking off of aircraft utilizing such airport. Such municipality shall have the further power and authority to acquire by purchase or gift, or to condemn, for a term of years or perpetually, the right to place and maintain, obstruction markers and/or lights upon any structure, building, tower, pole, wire, tree, woods, or other thing, located within one-quarter of a mile of such airport, which the council shall determine to constitute a menace to the safety of aerial navigation to or from said airport, including the right to lay and maintain conduits and wires to such obstruction markers and/or lights. Proceedings for the condemnation of any of the rights mentioned in this section shall be governed in all respects by the laws of this State applicable to the condemnation by such City of easements in land for public purposes.

Section 12. PRIVATE AIRPORTS; REGULATION. The council, or other governing body, of each municipality of this State shall have power to enact ordinances, not inconsistent with the laws of this State, designed to safeguard the public upon and/or beyond the limits of private airports or landing fields within such municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation.

Section 13. MUNICIPAL AIRPORTS; BONDS. Each municipality in this State shall have full and continuing power and authority, within the limits of the Constitution now or hereafter in effect, to issue and sell bonds for the purpose of extending, enlarging and improving its airport or airports, or an airport in which it is or may be a joint owner or operator, and of acquiring and/or improving or paying for land for airport uses, or property purchased or condemned to facilitate the operation of an airport or airports, when the issuance of such bonds has been heretofore, or shall be hereafter authorized by a majority vote of the qualified electors of such municipality voting at an election called and held, and the result declared in the manner required by law for securing authorization for the issuance by such municipality of other bonds requiring authorization through or by means of an election.

Section 14. MUNICIPAL AIRPORTS; ZONING. Each municipality in this State which owns any land in fee simple devoted to municipal airport uses, or upon which the development of a municipal airport has been commenced, shall have such power and authority over all extra corporate territory within one-quarter of a mile of such land as is conferred upon it with respect to territory within its corporate limits by Sections 1878 and 1879 of the Code of Alabama of 1923 and/or an Act of the Legislature of Alabama approved September 26, 1923, conferring zoning powers upon

municipalities having a population of one hundred thousand inhabitants, or more; provided, however, that the power and authority conferred by this section shall cease upon the abandonment of the use, or projected use, of such land for airport purposes.

Section 15. POLICE POWER. Each municipality which is now, or which hereafter may be, engaged in the operation of a municipal airport, whether within or without, or partly within and partly without, the geographical limits of such municipality, shall have the same police powers over such airport or landing field as it now has, or may hereafter have, over territory within its geographical limits. Such municipality shall also have the same police powers over all portions of public highways beyond the geographical limits of such municipality, but within one-quarter of a mile of such airport, as it is now, or may hereafter be, authorized to exercise over public highways within its geographical limits.

Section 16. MUNICIPAL AIRPORTS; JOINT. Two or more municipalities may jointly acquire real property by condemnation, purchase or gift, for airport purposes, and may jointly establish, construct, equip, maintain and operate an airport thereon for the joint benefit of such municipalities. The governing body of each participating municipality shall adopt a resolution authorizing and directing the President, Mayor or other member of such governing body, to enter into a contract with the other named participating municipality, or municipalities, for the acquisition, establishment, construction, improvement, equipment, maintenance, operation, regulation, government and/or financing of the joint airport. The form and terms of the contract authorized to be executed shall be set out in full in such resolution. Whenever there shall be, or exist, any officer, board, department, agency or instrumentality of the United States, or of the State of Alabama, authorized to negotiate such a contract upon behalf of its government, creator or principal, one or more municipalities may, through such authorized officer, board, department, agency or instrumentality, enter into a contract with the United States, or the State of Alabama, or both, for the acquisition, establishment, construction, improvement, equipment, maintenance, operation, regulation, government and/or financing of a joint airport for the joint benefit of the participating governments, such contract, or contracts, to be authorized by such municipality, or municipalities, in the same manner as that prescribed in this section for authorization of contracts between municipalities. Each participating municipality may pay its proportion of the cost of any joint enterprise authorized by this section out of any funds which it is authorized to expend for the acquisition, establishment, construction, improvement, equipment, maintenance and/or operation of an airport for its own separate benefit.

Section 17. POWERS CONFERRED CUMULATIVE. Nothing in this act shall be construed as a limitation upon any power, right or authority which any municipality of this State may have over any subject mentioned in this act by virtue of any other law of this State, the powers, rights and authority conferred by this act being cumulative of all other powers, rights and authority possessed by such municipality.

Section 18. INVALIDITY. If any section or provision of this act is declared invalid or unconstitutional the validity of the remainder of the act shall not be affected thereby.

Section 19. EFFECTIVE DATE. This act shall take effect upon its approval by the Governor.

Approved March 10, 1931.

No. 137.) (H. 293. Culver.

AN ACT

To prohibit any person or persons from making, producing or manufacturing, placing, depositing or throwing stink bombs, or tear gas bombs, or any substitute or device therefor which contains foul or offensive odors, in public buildings or store houses, or theatres, or motion picture theatres, or any boarding house or other buildings where people lodge or reside, or any private residence, or within the curtilage of any such building, or at any public sidewalk or street in front of any such building, or at any rear or side entrance or exit to any such building, or at any vent or hole in any such buildings and to prohibit the possession of ingredients necessary or commonly used for making, producing and manufacturing any such stink bombs or substitutes therefor and to provide punishment therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this Act, it shall be unlawful for any person or persons to make, manufacture, or possess, or to place, or deposit or throw any stink bombs or tear gas bomb or any substitute or device used therefor which contains foul or offensive odors, in any public building, or store house, or theatre, or motion picture theatre, or any private residence, or any boarding house or other building where people lodge or reside, or within the curtilage of any such building, or on any sidewalk or street in front of any such building or in front of or near any rear or side entrance to any such building, or at any exit to any such building, or in, at, or near any hole or vent, or ventilator in any such building, or for any person or persons to have in their possession for the purpose of making, producing or manufacturing any stink bomb, or tear gas bomb, or any substitute or device therefor, any of the ingredients necessary or commonly used

in making, producing or manufacturing such stink bomb or substitute or device therefor.

Section 2. Be It Further Enacted that any person or persons found in possession of any of the ingredients which is commonly used for making, producing or manufacturing any such stink bomb or substitute or device therefor, except a regular licensed druggist or chemist or except a person who has the same in possession for medicinal or domestic purposes shall be prima facie evidence that such person had the same for the purpose of making, producing or manufacturing such stink bomb or tear gas bomb or substitute or device therefor, or for the purpose of depositing, throwing or disposing of the same in violation of this Act and the burden of proof shall rest upon the defendant to prove that such articles or ingredients were in his possession for lawful purposes not prohibited by this Act.

Section 3. Be it further enacted that any person violating any of the provisions of Section 1 of this Act shall be guilty of a felony and must on conviction be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Approved March 9, 1931.

No. 138.) (H. 294. Culver.

AN ACT

To amend Section 3888 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

that Section 3888 of the Code of Alabama be amended to read as follows: Any person who wilfully sets off or explodes any dynamite or other explosive in or under any church, meeting-house, courthouse, town house, college, academy or any theatre building, or motion picture show house, jail, or other building erected for public use, or any banking house, warehouse, cotton house, gin-house, store, manufactory or mill, which with the property therein contained, is of the value of five hundred dollars or more, or any railroad car, railroad engine, street car, or automobile, car shed, barn, stable, cotton house, or cotton pen, containing cotton, or corn crib, or corn pen, containing corn, or any shop or office or other house, within the curtilage of any dwelling house, or any uninhabited dwelling house, or any unoccupied dwelling house, or steamboat or vessel, in which there is at the time no human being, must, on conviction, be punished by imprisonment in the penitentiary for not less than two years nor more than ten years.

Approved March 9, 1931.

No. 139.) (S.J.R. 49—Scruggs.

SENATE JOINT RESOLUTION

WHEREAS, the Alabama State Bridge Corporation has constructed, under what is generally known as the Long Bridge Bill, fifteen (15) toll bridges in the State of Alabama, and

WHEREAS, the said Alabama Bridge Corporation has a fixed toll or charge for crossing each of said bridges for each car and one passenger a toll of fifty (50) cents; and

WHEREAS, a number of counties in the State of Alabama either have said toll bridges located wholly within said County or on the County line adjoinging another county; and

WHEREAS, in the discharge of their duties as enforcement officers of the various Counties of this State, the Sheriffs or their deputies are forced to cross said toll bridges and forced to pay the toll or charge from their own funds, and there is no method whereby they may obtain a refund for such charges; and

WHEREAS, in serving witness subpoenas by Sheriffs in criminal cases they are entitled to collect their fees only in case of a conviction, and only for such State witnesses so summoned or subpoenaed by them in case the defendant is convicted and sentenced to the penitentiary; and

WHEREAS, for each witness subpoenaed in a criminal case they are allowed to collect only Fifty (50c) cents, and for each civil witness subpoenaed are entitled to collect sixty-five (65) cents, and when it is necessary to so serve a witness subpoena and cross said bridge in order to reach the person subpoenaed, the sheriff is forced to pay the toll charge of One ($1.00) dollar for the round trip, thereby losing his own funds in order to perform the duties of his office; and

WHEREAS, in some of the Counties of this State where said toll bridges are located wholly within the County a great portion of said counties lie in territory beyond said bridge from the County seat and the Sheriff is forced to lose a considerable amount of money in discharging the duties of his said office.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA, the House concurring, that the Alabama State Bridge Corporation be, and the same is hereby requested to issue to each and every law enforcement officer of the State of Alabama and/or the Sheriffs of the various Counties and their deputies a free pass over said bridges to be used only by such law enforcement officers, sheriffs or deputies when on official duty.

Approved March 10, 1931.

No. 140.) (S. 144. Teasley.

AN ACT

To make bank drafts and cashier's checks or other funds paid in the usual course of business to any bank or trust company in payment of a draft for the bona fide transfer of funds a preferred claim against the assets of the bank or trust company, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such bank or trust company.

Be it Enacted by the Legislature of Alabama:

Section 1. That any draft or cashier's check issued and drawn against actual existing value by any bank or trust company prior to its failure or closing and given in payment of clearings and any money paid in the usual course of business to any bank or trust company in payment of a draft for the bona fide transfer of funds shall be a preferred claim against the assets of the bank or trust company, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank or trust company.

Section 2. That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 10, 1931.

No. 141.) (S. 178—Lapsley.

AN ACT

To validate bonds, warrants, notes and other written obligations or evidences of debt of cities, towns, and counties in the State of Alabama heretofore issued for value by such cities, towns or counties and which are not contrary to the provisions of the Constitution of Alabama or of the United States of America or barred by the Statute of Limitations of the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That all bonds, warrants, notes and other written obligations or evidences of debt heretofore issued for value by cities, towns or counties in the State of Alabama, that are not contrary to the provisions of the Constitution of Alabama or of the United States of America or barred by the Statute of Limitations of the State of Alabama be and the same are hereby validated and declared to be the binding obligations of the city, town, or county issuing the same. "Provided, however, that the provisions hereof shall not affect any such obligations the validity of which is now involved in any pending suit."

Section 2. That this Act shall go into effect and become operative immediately upon its passage and approval by the Governor.

Approved March 10, 1931.

No. 142.) (H.J.R. 80—Kelly of Talladega.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, as follows:

WHEREAS, there is a persistent belief in the minds of many Alabamians that the relations of electric light and power consumers to producers of electric light and power are not what they should be and that there exists just cause for legislative action as to values for rate making purposes and for taxation, and that there should be a readjustment of rates; and

WHEREAS, the prosperity of power plants and the wide use of electric power at fair rates are important factors in the future progress of the State and its people; and

WHEREAS, if uncertainty and dissatisfaction continue there will be, at no distant day, agitation of political nature which will be hurtful to the State; and

WHEREAS, the people of the State expect this Legislature and this administration to investigate the electric power situation and take action thereon, if such action should be found needed;

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. That there is hereby created a joint committee of the House and Senate to be composed of five members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the President of the Senate;

2. That the duties of said joint Committee shall be as follows: to investigate and consider all questions involving property values, tax valuations and taxes paid, stock values, charges and costs for electric current produced in Alabama, or sold in Alabama, or produced and sold in Alabama, and to investigate and consider all rules and regulations under which such public utility companies operate in Alabama.

3. That said joint Committee shall have the authority to cause the attendance of witnesses and the production before said Committee of papers, records and books of all persons, firms or corporations doing business in the State of Alabama, or bureau or department or commission of the State of Alabama.

4. That the said Committee shall be provided a Clerk and may employ a reporter to take down and transcribe testimony.

5. That the Committee shall make its report in writing to the House and to the Senate together with any recommendations that they may see fit to make.

Approved March 10, 1931.

No. 143.) (H.J.R. 83—Culver.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That there is hereby created a committee of three from the House, to be appointed by the Speaker, and two from the Senate to be appointed by the Lieutenant-Governor, whose duty it shall be to prepare one or more bills for introduction into the Legislature regulating and taxing motor busses and trucks operating on the highways of Alabama. Said Committee shall sit at such times as it may appoint, and shall receive no compensation for its services: it may, however, employ a clerk or stenographer at not exceeding four dollars per day while the Committee is sitting.

Approved March 10, 1931.

No. 144.) (H.J.R. 86—Tunstall.

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that the Speaker of the House and the Lieutenant Governor may, if requested by the Governor, appoint a joint recess Committee on Ways and Means, Of which Committee the Speaker of the House and the Lieutenant Governor shall be members.

RESOLVED FURTHER, that the members of said Committee, if appointed, shall receive the same per diem and expenses and mileage to and from the capitol as members of the Legislature, Provided, however, that mileage shall be paid only once. Said Committee may employ such clerks and stenographers as it may deem necessary for the proper conduct of the business coming before it.

Approved March 10, 1931.

No. 146.) (H. 52—Beebe.

AN ACT

"To prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. No motor vehicle shall be operated on the highways of this State whose width, including load, or any frame or body designed for holding load, is greater than ninety six inches,

or whose height including load, or any frame or body designed for holding load, is greater than twelve (12) feet, or whose length, including load, or any frames or body designed for holding load, is greater than thirty-three (33) feet, and no combination of vehicles coupled together shall be so operated whose total length, including load, or any frame or body designed for holding load, shall be greater than forty-six (46) feet; provided, however that these restrictions shall not apply to farm tractors or to motor vehicles temporarily transporting implements or machinery of husbandry, road building or maintenance; nor to a movement of material and supplies to be devoted to existing construction or repair projects; nor to equipment operated by cities or towns for municipal purposes; nor to motor vehicles used in the construction, repair and/or maintenance of electric light, telephone, telegraph or power line or property operated by a municipality or by a public transportation or utility company under the jurisdiction of the Alabama Public Service Commission of Alabama; nor shall said restrictions as to length apply to motor vehicles transporting poles, logs, lumber and timbers. Provided, further, that no motor vehicle having an axle weighing unladen or with load in excess of twelve thousand (12000) pounds, and no motor vehicle or combination of vehicles having a gross weight of more than 32000 pounds; and no motor vehicle whose width, length or height exceeds the limits prescribed herein, shall operate upon the public highways of the State of Alabama without the written permission of the State Highway Commission given to meet temporary and unusual conditions. An axle load shall be considered as the total load on all wheels spaced longitudinally so that their centers may be included between two vertical parallel planes forty (40) inches apart. Provided, the State Highway Commission is given power to prescribe a lower gross weight, weight of vehicle and load, than 12000 pounds per axle over any highways or bridges in this State where in the Judgment of the said Commission such highways or bridges should not be subjected to said maximum of 12000 pounds per axle, and to prohibit the use of motor vehicles carrying gross weight in excess of that so prescribed by said Commission. Provided, further, that the Court of County Commissioners and/or Board of Revenue or other governing body with like powers and jurisdiction in any county in this State may prescribe a lower gross weight of said vehicle and load than 12000 pounds per axle over any county highway or bridge in their respective counties where, in the judgment of said commissioners and/or Board, such County highways or bridges should not be subjected to said maximum gross weight, and to prohibit the use of motor vehicles carrying gross weight in excess of that so prescribed. In determining the axle weight of vehicle and load the gross weight of vehicle and load shall be

divided by the number of axles on the vehicle, or combination of vehicles.

Section 2. No motor vehicle, or combination of vehicles of any kind or of any ownership, except fire fighting equipment and passenger busses or vehicles, whose total length equals or exceeds thirty-six (36) feet, or whose gross weight, including load, exceeds 10,000 pounds per axle, shall operate on the public highways of the State at a speed in excess of thirty-five (35) miles per hour.

Section 3. It shall be the duty of the owner, lessee, bailee, or operator of such motor vehicles described or referred to in section 2 of this Act, on or before three (3) months from the effective date of this act, to equip or cause to be equipped the same with a suitable mechanical device automatically preventing the operation of such motor vehicle at a rate of speed in excess of thrity-five (35) miles an hour, and to maintain the same at all times in proper working order and condition. Provided, however that upon good cause shown to it, the State Highway Commission may extend the aforesaid period of three months.

Section 4. No trailer shall be operated over the highways of this State unless such trailer is firmly attached to the rear of the motor vehicle drawing it, provided that in no case shall more than one trailer and one semi-trailer be drawn by a motor vehicle or truck tractor, the total length of the motor train in no event to exceed forty-six (46) feet. This section shall not apply to the transportation of logs, poles, lumber and timbers so far as relates to the length thereof, or to the vehicle transporting the same.

Section 5. It shall be the duty of the law enforcement officers of the state and of each county, city, or other municipality to see that the provisions of this act are enforced within their respective jurisdictions, and any such officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated any of the provisions of this Act. Any such owner, lessee, Bailee, or operator or such motor vehicle violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as for a misdemeanor. Each violation of this act shall constitute a separate offense.

Section 6. The words and phrases "motor vehicle," "truck tractor," "farm tractor," "trailer" and "semi-trailer" are used herein as defined by the "Alabama Highway Code" approved August 23, 1927.

Section 7. All acts or parts of acts inconsistent with this act are hereby repealed.

Section 8. This act shall be effective on and after mid-night April 1, 1931, except as herein otherwise provided.

Section 9. That if any clause, paragraph, provision or part of this act shall be declared unconstitutional, such declaration shall not affect the validity of the remainder hereof."

Approved March 10, 1931.

No. 152.) (H. 289—Barber.

AN ACT

Concerning the licensing of aircraft and pilots and to make uniform the law with reference thereto.

Be it Enacted by the Legislature of Alabama:

Section 1. DEFINITION OF TERMS.—In this act "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. "Operating aircraft" means performing the services of aircraft pilot.

Section 2. AIRCRAFT; CONSTRUCTION, DESIGN, AND AIRWORTHINESS; FEDERAL LICENSE.—The public safety requiring and the advantages of uniform standards making it desirable in the interest of aeronautical progress that aircraft operating within this State should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States Government with respect to navigation of civil aircraft subject to its jurisdiction, it shall be unlawful for any person to navigate an aircraft within the State unless such aircraft has an appropriate, effective license issued by the United States and is registered by said United States: Provided, However, that this restriction shall not apply to military aircraft of the United States, or of a State, Territory, or possession thereof, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

Section 3. QUALIFICATIONS OF OPERATORS; FEDERAL LICENSE.—The public safety requiring, and the advantages of uniform standards making it desirable in the interest of aeronautical progress that a person engaging within this State in navigating aircraft in any form or class of navigation shall have the qualifications necessary for obtaining and holding a pilot's license for such form or class of navigation issued for the United States, it shall be unlawful for any person to operate any aircraft in this State unless such person is the holder of an effective pilot's license issued by the United States for the form or class of navigation in which he is engaged: Provided, however, that this restric-

tion shall not apply to pilots operating aircraft of the United States, or of a State, Territory, or possession thereof.

Section 4. POSSESSION AND DISPLAY OF LICENSE.—The pilot's license herein required shall be kept in the personal possession of the licensee when he is operating aircraft within this State, and must be presented for inspection upon the demand of any passenger, any peace officer of this State, or any official, manager, or person in charge of any airport or landing field in this State upon which he shall land.

Section 4½. EXEMPTIONS.—The owner of any unlicensed aircraft which was in this State on the 1st day of March 1931, and which has continuously remained in the State from said date to the date of approval of this act, may, within thirty days after the approval of this act, cause a description of such aircraft to be entered in an aircraft identification register to be provided in the office of the Secretary of State, by filing with such Secretary his affidavit setting forth the type, manufacturer's name, seating capacity, motor number and Federal Department of Commerce identification number of such aircraft, and showing that he is the owner thereof, and that it has been in the State during the required period. Thereupon, the said Secretary shall enter such description in such aircraft identification register to be provided in his office, and shall issue to such owner a certificate to the effect that such aircraft, describing it, has been entered in the aircraft identification register in his office and such aircraft is exempt from license for operation in Alabama by such owner, without passengers, or freight for hire and not for a Commercial undertaking, whether he be a licensed pilot or not. Such aircraft identification register shall be preserved by the Secretary of State for a period of two years from date of approval of this act.

Section 5. PENALTIES.—A person who violates any of the preceding provisions of this act shall be guilty of a misdemeanor and punishable by a fine of not more than $100.00, or by imprisonment for not more than ninety days, or both: Provided, however, that acts or omissions made unlawful by this act shall not be deemed to include any act or omission which violates the laws or lawful regulations of the United States, but it shall not be necessary to allege or prove, as part of the case for the State, that the defendant is not amenable, on account of the alleged violation, to prosecution under laws of the United States. That he is amenable to such prosecution shall be a matter of defense, unless it affirmatively appear from the evidence adduced by the State.

Section 6. SEPARABILITY.—If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

Section 7. ENFORCEMENT.—It shall be the duty of sheriffs, peace officers, police officers and law enforcement officers of this State, and of any political subdivision of this State, to enforce this act within their respective jurisdictions. It shall be the duty of each manager, or other person in immediate charge, of a municipal or other publicly owned or operated airport in this State, to notify proper enforcement authority of any violation of any provision of this act which he shall have probable cause to believe has been committed within the county in which such airport is located, and failure upon his part so to do, without reasonable justification, shall constitute cause for dismissal. Each such manager, or person in charge, is authorized to detain upon such airport any aircraft which he shall have probable cause to believe has been used in violation of this act for such length of time as may be reasonable to enable him to report such probable violation and obtain enforcement action. Provided that any pilot or aircraft that has been flying within the State during the past sixty days, shall have sixty days after the passage of this bill to comply with the provisions thereof.

Section 8. EFFECTIVE DATE. This act shall take effect upon its approval by the Governor.

Approved March 10, 1931.

No. 156.) (S. J. R. 41—Teasley.

SENATE JOINT RESOLUTION

WHEREAS the Legislature of 1907 in fixing the basis for the ascertainment of the annual franchise tax on foreign corporations as provided under Section No. 232 of the Constitution of 1901, provided that there shall be deducted from the amount of the capital employed by such corporations in this State the aggregate amount of loans of money made by such corporations in this State and which shall be secured by mortgage or mortgages to it on real estate in this State and upon which mortgages there shall have been paid the recording privilege tax provided by law, and

WHEREAS, the Legislature of 1911, 1915, 1919, 1923 and 1927 re-enacted said provision and received the approval of the several governors since 1907, thereby making it a fixed policy of the State to encourage the investment of foreign capital, which is absolutely necessary and essential for the development of the resources of the State, and

WHEREAS, the large insurance companies and mortgage companies and other foreign corporations, relying on the faith of this declaration by the legislature, have invested during said period

millions of dollars, and at the present time have more than One Hundred Million Dollars loaned to the people of Alabama upon mortgages on homes, farms and business property, and,

WHEREAS, bad faith on the part of the State may cause these companies to cease making loans and demand payment of loans already made as they become due, which under present depressed financial conditions throughout the country would be nothing more nor less than a public calamity, and

WHEREAS, the former Attorney General of the State of Alabama instituted test suits against several of the large insurance companies making loans in Alabama, seeking to strike down the legislative enactment herein referred to, thereby subjecting all of said companies to the payment of taxes on said loans for the past five years as well as the present and future years, which the State through its legislatures promised not to do, therefore,

BE IT RESOLVED, by the Senate, the House concurring, that this legislature by this resolution reaffirms the policy of the State in the enactment of said law and deplores the effort on the part of any State Officer who seeks by any method whatsoever to cause the State to show bad faith in its invitation heretofore extended to foreign capital.

BE IT FURTHER RESOLVED, that the Secretary of the Senate be and he is hereby directed to ascertain from the State Tax Commission the names and addresses of all foreign corporations having loans upon real estate situated in Alabama and mail to them a certified copy of this resolution.

Became a law under Section 125 of the Constitution.

No. 157) (S. 196—Walker.

AN ACT

Extending the time for payment of certain advalorem taxes due the State of Alabama, and/or all of the Counties of the State of Alabama, whether special or general, which became delinquent on January 1st, 1931, and which have not been paid, to August 1st, 1931, and extending the time for the payment of certain advalorem taxes due to all municipalities in the State of Alabama on January 1, 1931 and which have not been paid, to August 1, 1931 and preserving the lien in favor of the State and Counties and Municipalities on all property assessed for said taxes, or either of them; authorizing and directing the Tax Collectors of the various Counties to receive payment of certain portions of said taxes now due and unpaid and give receipts therefor; extending the time for final settlement by the various tax collectors of the various Counties with the County Treasurers of the various Counties of Alabama and with the State Auditor to September 30, 1931; authorizing and directing the Tax Collectors or officers collecting taxes for municipalities in this State to receive payment of parts of said taxes now due to said Municipalities and unpaid and to give his receipts therefor; regulating the sales of real estate and

personal property assessed for State and/or County taxation for the year 1930 where said taxes are now due and have not yet been paid, where the person assessing the property assessed both real estate and personal property for taxation; prescribing the rate of interest, fees and penalties to be paid by any person redeeming such real estate so sold for said taxes upon the redemption of the same, and regulating the use, occupation and possession of real estate so sold for said taxes until the period of redemption of two years has expired, and reserving to the State and/or Counties and Municipalities of the State the same rules, rights and methods or procedure for collection of said taxes except as changed by this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That the time for payment of all ad volorem taxes of Fifty ($50.00) dollars or less, and one-half (½) of all taxes of Fifty ($50.00) dollars or more due to the State of Alabama, and/or the various Counties of the State of Alabama, whether general or special taxes, or for whatever purposes levied, which became delinquent on January 1, 1931, and which have not yet been paid, is hereby extended to August 1, 1931; provided, however, that where one-half (½) of the amount due by any person, firm or corporation to the State of Alabama, or any County of the State of Alabama exceeds Fifty ($50.00) dollars with interest from or since January 1, 1931, in order to obtain the benefits of the extension of time herein provided for, said tax payer is required within thirty (30) days after the passage of this Act to pay one-half (½) of the taxes due by him to the State of Alabama, or any County in the State of Alabama with interest thereon from January 1, 1931, and if so paid by said time the remainder of the taxes due by said tax payer to the State of Alabama or any County therein, will not be required to be paid before August 1, 1931; and provided further, that the Tax Collector shall be required to collect interest on any or all taxes due to the State of Alabama, or any County therein, at eight percent (8%) per annum from January 1, 1931 until paid. That all advolorem tax due to any Municipality in the State of Alabama which became due January 1, 1931 or delinquent on said date, and which have not been paid, where said amount does not exceed Fifty ($50.00) dollars with interest thereon since delinquency, and one-half (½) of all taxes due by any person, firm or corporation to any municipality in the State of Alabama, where the total advalorem tax due to said municipality exceeds Fifty ($50.00) dollars is hereby extended for payment to August 1, 1931; provided, however, that if the total tax due from any person, firm, or corporation exceeds Fifty ($50.00) Dollars with interest since delinquency in order to obtain the benefits of this extension of time of payment for one-half (½) of said tax, such person, firm or corporation is required to pay one-half (½) of said taxes due to said municipality within thirty (30) days after the passage of this Act.

Section 2. If any person, firm or corporation owing to the State of Alabama and/or any County therein, taxes with interest thereon since January 1, 1931 and which are not yet paid, in excess of Fifty ($50.00) dollars including interest, does not pay one-half (½) of the same within thirty days after the passage of this Act, the Tax Collector of such County where the assessment was made shall proceed at once to collect said taxes as herein provided, or as otherwise authorized by law, and any person, firm or corporation owing any municipality taxes in excess of Fifty ($50.00) dollars, one-half (½) which is not paid within thirty (30) days after the final passage of this Act, shall have no further time for the payment of the same, and it shall be the duty of the Tax Collector of such Municipality to immediately proceed with the collection of the same in full.

Section 3. That the Tax Collectors of the various Counties of the State of Alabama are hereby authorized and directed to accept partial payments upon said taxes as provided for in this Act and they are required to give their receipts for the amount so paid, stating whether or not the receipt is in full or only a partial payment of said taxes.

Section 4. That the time for final settlement by the various tax collectors of the various Counties of this State, with the County Treasurers of the various Counties, and with the State Auditor of Alabama, be and is hereby extended to September 30, 1931. "Provided, however, that in counties having 300,000 population or more according to the last Federal census, that the Tax Collector shall not be required to make final settlement until the 3rd day of November, 1931."

Section 5. That in all cases in this State where the State and/or County taxes which became delinquent on January 1, 1931 and which have not been paid and where the person who assessed the property for taxation upon which the taxes are due assessed both real estate and personal property for taxation, it shall be the duty of the tax collector, in case it is necessary to sell any of the property assessed, to collect the taxes due the State, and/or any County in the State, to first sell the real estate so assessed for taxation whether personal property of the delinquent tax payer can be found out of which the taxes can be made or collected or not.

Section 6. That in all cases where real estate is sold as provided for in this Act, the delinquent tax payer shall remain in possession of the same during the two (2) year period of redemption now allowed by law for redeeming real estate from tax sales, and shall be entitled to the use and occupation of the same. In case of a redemption of said lands from said tax sale the person redeeming the same shall pay the same cost and items now fixed by law, except that in no case shall an attorney's fee be added against him,

and provided further, that he shall only be charged interest at the rate of eight per cent (8%) per annum from the date of the sale of said land up to and including the date of the redemption on the amount of money for which the lands were sold at said sale.

Section 7. That all of the rights and remedies, notices and methods of procedure now authorized by the law in this State or required to be given by law in this State is hereby expressly reserved to the State of Alabama and/or the various Counties and municipalities in this State in enforcing the collection of said taxes or making sales of real estate or personal property except as otherwise provided in this Act.

Section 8. That should any provision of this Act be declared unconstitutional, such invalidity or unconstitutionality shall not effect any of the other provisions of this Act.

Section 9. That this Act shall take effect immediately upon its approval by the Governor.

Approved April 4, 1931.

No. 158.) (S. J. R. 54—Deloney.

SENATE JOINT RESOLUTION

WHEREAS, Hon. Ray Lyman Wilbur, Secretary of the Interior of the United States, will visit the State of Alabama during the present month, and

WHEREAS, The Legislature of Alabama welcomes his presence within this State, and desires to give expression to its cordial appreciation of his visit, now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, the House of Representatives concurring:

First. That the State of Alabama extends a cordial welcome to this distinguished gentleman, and invites him, at such time during his stay in this State, as may be convenient for him, to address a joint session of the Senate and House of Representatives of the State of Alabama.

Second. That a copy of this resolution be transmitted by the Secretary of the Senate to Mr. Wilbur, at Washington.

Approved April 9, 1931.

No. 159.) (S. 116—Jordan.

AN ACT

Defining building and loan associations, providing for their incorporation, methods of doing business, taxation, regulation and supervision; prescribing the terms and conditions upon which foreign building and loan associations may carry on their business in Alabama; prescribing penalties for violation of the provisions of the Act; repealing Acts and parts of Acts in conflict herewith.

Be it Enacted by the Legislature of Alabama:

Section 1. BUILDING AND LOAN DEFINED. A building and loan association, as contemplated or provided by this Act, is any association or corporation, heretofore or hereafter formed, created or organized, which is chartered under any building and loan law to carry on the business of a building and loan association and is formed to encourage industry, thrift, home building and saving among its shareholders or members; the accumulation of savings, the loaning to its shareholders and members of the funds so accumulated to assist its members to buy real property and to erect homes or other improvements thereon and to pay off existing encumbrances thereon. The word "Association" when used in this Act shall refer to a building and loan association. The word "Commissioner" when used in this Act shall refer to the Building and Loan Commissioner. The word "Board" shall refer to the Building and Loan Board. The word "Member" shall include any shareholder of any type whatsoever in a building and loan association.

Section 2. ARTICLES OF ASSOCIATION. Any number of persons, not less than three, who are citizens of this State may become a body corporate for the purpose of carrying on the business of a building and loan association, by complying with the provisions of this Act and entering into articles of Association. The articles of association shall be signed by the persons associating and shall set forth: (1) The name assumed by the Association, which shall not be identical with that of any other association in this State, or which so resembles the name of any other association as to be likely to lead to confusion as to its identity. The name of every such corporation hereafter organized, or heretofore organized and hereafter changing its name, shall end with the term "Building and Loan Association." (2) The purpose for which the association is formed. (3) The name of the city or town and the county wherein the principal place of business of the association is to be located in this State. (4) The number of shares subscribed and the amount of cash actually paid in thereon, which shall not be less than Ten Thousand ($10,000.00) Dollars in cities and towns of not over Twenty-Five Thousand population, Twenty-Five Thousand ($25,000.00) Dollars in cities of over twenty-five thousand and less than one hundred thousand population and Fifty Thousand

($50,000.00) Dollars in cities over one hundred thousand population. (5) The names of the incorporators, their respective occupations and residence addresses, and a statement of the number of shares subscribed by each, and the amount of cash paid upon the shares of each. All payments required to be paid in for shares must be in legal money of the United States and must be in the custody of the persons named as the first Board of Directors. (6) The kind or classes of shares the Association purposes to issue, which may be permanent shares, not withdrawable, and/or withdrawable shares. Permanent shares may be without par value, which fact must be stated in the articles of the association. Withdrawable shares and permanent shares with a par value, shall have a par value of $50.00 per share. The number of shares shall be unlimited. (7) The certificate may also contain any other provisions which the incorporators may see fit to insert for the regulation and conduct of the affairs of the association, provided that such provisions shall not conflict with the laws of Alabama.

Section 3. APPLICATION FOR CHARTER. When articles of incorporation of an association are regularly executed as herein provided, they shall be presented to the Commissioner, together with a copy of the by-laws of the association and must be accompanied by the fees provided herein.

Section 4. COMMISSIONER TO INVESTIGATE. When any person shall file a proposed charter or articles of agreement as is elsewhere herein provided, if it appears to the satisfaction of the Commissioner that the minimum capital required has been paid in cash into the treasury of the association upon subscriptions for shares, the Commissioner shall ascertain from the best sources at his command, and by such investigation as he may deem necessary, the expense of such investigation to be paid by the incorporators, whether the character, responsibility and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted in accordance with the intent and purpose of this act, and whether the public convenience and advantage of the community in which said association proposes to operate will be promoted by allowing the proposed association to be incorporated and engage in business, and whether the population in the neighborhood of such place affords a reasonable promise of adequate support for the association. If the Commissioner shall be satisfied concerning the several matters specified, he shall issue a certificate approving the articles of incorporation which shall be addressed to the Probate Judge of the county in which the association is to have its principal place of business. This certificate of approval shall be authority to the Probate Judge to receive the certificate of incorporation and he shall

thereupon accept same, upon the payment of the fees herein provided for, and record it in the Records of Corporations in his office.

Section 5. REJECTION OF APPLICATION FOR CHARTER. If the Commissioner shall be satisfied upon examination that it is not expedient and desirable to permit such association to engage in business he shall disapprove the application and return said articles of incorporation to the proposed incorporators and such refusal shall be conclusive, unless such incorporators, within thirty days of the issuance of such notice of refusal, appeal from such decision to the Circuit Court of the County in which the proposed Association is to do business, in case such appeal is made the matter shall be tried by such Circuit Court de novo. Appeals shall lie from the decree of such Circuit Court in the same manner as appeals in other cases.

Section 6. EXTENSION OF TIME OF CORPORATION. Any association incorporated under this or any prior law may extend the duration of time for which said association was organized by a vote of a majority of the shares of such association represented and voting at any annual meeting of the members of such association, or at any special meeting called for that purpose; thereupon the Board of Directors shall transmit a copy of the proceedings of such annual meeting or of such special meeting, certified to by the President or Secretary thereof under the corporate seal of such association, to the Commissioner and to the Probate Judge of the county in which such association is located, certifying to the extension of time of such corporation. Any association heretofore incorporated shall be vested with all powers given in this act.

Section 7. AMENDMENT OF CHARTER. Any association heretofore or hereafter incorporated under the laws of this State may, by a resolution adopted by a majority vote of shares represented and voted at any annual meeting, or at any meeting called for that purpose, increase its authorized number of shares or amend its articles of association or by-laws in any manner not inconsistent with the provisions of this act. No such increase of number of shares or amendments to the articles of association shall be effective until the same shall have been approved by the Commissioner. When the number of shares is increased or the articles of association are amended a copy of the resolution authorizing such increase or amendment, certified by the president or secretary of such association, under its corporate seal, shall be filed in the office of the Judge of Probate in the County in which such association has its principal place of business before the same becomes effective.

Section 8. AUTHORITY TO COMMENCE BUSINESS. When the Commissioner shall have approved the organization and the proposed by-laws and shall have issued a certificate of such approval, and the articles of incorporation shall have been recorded in

the proper Probate office, the Commissioner shall then issue a certificate of authority to do business, providing that when any association holding a charter under the laws of this state shall fail to commence business within six months from the date of issuance of the certificate of authority, such association shall ipso facto be dissolved, and its certificate of incorporation shall be null and void without further executive or judicial action.

Section 9. POWERS OF BUILDING AND LOAN ASSOCIATIONS. Associations shall have the following powers: (1) To have succession of its corporate name for the period named in the certificate of incorporation, and when no period is named, perpetually. (2) To sue and to be sued and to keep and use a corporate seal and the same to alter at pleasure. (3) To appoint and maintain such officers and agents as the business of the association shall require. (4) To make and alter at pleasure all needed by-laws, rules and regulations for the transaction of its business and the control of its property and affairs. When such changes are made a copy of the resolution authorizing such changes shall be filed with the Commissioner. (5) To acquire, hold, enjoy, convey, mortgage and otherwise dispose of real and personal property, needed in the operation of its business, provided that no association shall do a real estate business or buy and sell real estate for speculative or investment purposes, other than for the location of its main office and the investment for this purpose shall not exceed ten per cent of its assets at the time such investment is made. (6) To issue permanent shares, withdrawable shares and investment certificates and to enter into all other kinds of contracts appropriate to accumulating a fund for making loans, to cancel shares that have matured or the payments on which have been withdrawn, and to reissue the same. (7) To accumulate from the earnings a reserve fund for the payment of contingent losses, and an undivided profit fund, both of which may be loaned and invested as other funds of the Association. (8) To borrow money, to execute negotiable notes and other evidences of indebtedness. Associations organized under this act, or already in existence, are authorized and empowered to assign their notes, mortgages and other securities for face value, or pledge the same for repayment of money borrowed, provided however, that it shall not be lawful for any association to borrow an amount of money in excess of 25% of its total assets. No association shall assign its notes, mortgages or other securities or pledge the same for money borrowed except with the consent of a majority of its Board of Directors, and with the approval of the Commissioner. Funds derived from the loans secured by assignment or pledge of their securities or notes shall be used for the retirement of shares and certificates presented for withdrawal and for no other purpose. (9) Associations shall lend their funds to members only. Such loans shall be secured by first mortgages on real estate (or 99

years lease-hold interest in real estate) and improvements thereon, or by pledge of the Association's shares or certificates. Additional loans on the same property shall be deemed to be first mortgages for the purpose of such loans. They may take their own shares as additional security and may take other additional security for such loans. All mortgages taken by Associations as security for loans made on real estate shall be recorded forthwith in the office of the proper recording officer of the County in which the real estate security accepted by such Association is located; the mortgage to be kept in the permanent files of the Association subject to the examination of the state examiner until the loan is fully discharged, unless assigned or pledged as hereinabove provided. The funds of the associations, in addition to being loaned on first mortgages, its shares and certificates, may be deposited in any bank under federal or state supervision, may be invested in other associations doing business in the State of Alabama, or in bonds of the State of Alabama, or in municipal bonds or United States government bonds, or in other securities authorized by the laws of Alabama for investment of trust funds. (10) Associations may provide in their by-laws for different rates of interest and premium on different classes of loans, such interest and premium in no case to exceed one per cent per month, and may charge and collect reasonable fees and charges in connection with their loans.

Section 10. BUILDING AND LOAN DEPARTMENT OF THE STATE. There is hereby created a building and loan department of the State of Alabama charged with the execution of all laws relating to building and loan associations doing business in this State. (1) BOARD, COMMISSIONERS, APPOINTMENT, TERM OF OFFICE, VACANCY. The building and loan department shall be administered by a Board consisting of three persons who shall be appointed by the Governor, and the Superintendent of Banks of the State of Alabama who shall be the Commissioner and who shall be an ex-officio member of the Board and Chairman of the Board. The three appointed members of said board shall be men of good character, experienced in the building and loan business and connected with some building and loan association doing business as such under the laws of the State of Alabama. No two members of which, exclusive of the Commissioner, shall be appointed from the same Congressional District, and one member of which shall be appointed from a city or town of less than 25,000 population according to the last Federal Census preceding the appointment. The terms of office of the said three members of the Board shall be for two, four and six years respectively. When the term of office of a member of the Board expires, the next appointment shall be for a period of six years. If a vacancy shall occur in said Board such vacancy shall be filled by appointment by the Governor to fill the unexpired term vacated. The Superintendent of

Banks, who shall be the Commissioner under this bill, shall receive a salary as such Commissioner of twelve hundred dollars per year, which salary shall be paid out of the fees and assessments collected from the building and loan associations of Alabama under this act. The Commissioner shall execute to the State a surety bond in the amount of $10,000.00 with a surety company qualified to do business in the State of Alabama, to be approved by and delivered to and held by the Secretary of State on condition of the faithful discharge of the duties of his office. The premium of said bond shall be paid out of the funds collected by fees and assessments on the building and loan associations of the State. No person appointed as a member of said Board shall receive any compensation for his services, except that each appointed member of such Board shall receive $10.00 per day and traveling expenses for each day that said Board is in session, but in no event to exceed $50.00 to each member of said Board during any one month. The compensation going to the three appointed members of said Board shall be paid, as earned, by the Commissioner out of the funds derived from the provisions of this act. Any person or party who may be aggrieved by any act of said Commissioner may appeal for redress thereof to the said Board, during which appeal such act or acts shall be suspended and the Board may take evidence and examine witnesses with respect to the propriety and justice vel non of said act of the Commissioner complained of, and may make such findings and orders that may be necessary to either confirm or repudiate said act of the Commissioner. On appeal of any party interested, full power and authority is hereby vested in said Board to review, revise and reverse or confirm any ruling or findings or orders of the Commissioner, and to take evidence and examine witnesses of all parties touching such matters; provided, however, that nothing in this act shall be construed to prevent any court of competent jurisdiction by a writ of mandamus or otherwise, as provided by law, from reviewing and reversing the act of said Board or of the said Commissioner, and upon proceedings the Court, after full hearing of matters at issue, shall enter the proper order or decree confirming the action of said Commissioner or of said Board or reversing the same. Two members of the Board, other than the Commissioner, present at any one meeting, shall constitute a quorum. The Commissioner shall give to each member of said Board at least three days notice of the time and place of any meeting of said Board called. (2) EXAMINERS, ASSISTANTS, EMPLOYMENT AND COMPENSATION OF: The Commissioner may employ such help, examiners and assistants as the Board may approve to aid him in the discharge of the duties imposed upon him by law and the salaries and expenses of this Department shall be paid out of the funds derived from fees and assessments on Associations of the State of Alabama. All salaries and expenses shall be approved by the Board. Each ex-

aminer shall execute to the State a Surety Bond in the amount of Ten Thousand Dollars with a Surety Company qualified to do business in the State of Alabama to be approved by and delivered to and held by the Secretary of State, on condition of the faithful discharge of the duties of his office. The premium of said bonds shall be paid out of the funds collected by fees and assessments as aforesaid. (3) SUPERVISION AND CONTROL. All building and loan associations doing business in this State shall be under the supervision, regulation and inspection of the Commissioner and the Board, provided, however, that the powers of the Board and of the Commissioner shall be limited, so far as they are applicable to building and loan associations, to those powers expressly conferred by the laws of the State of Alabama governing associations. (4) LICENSE. Before any such association, whether organized under the laws of this state or under the laws of any other state, shall engage in business in this state, it shall have received a license so to do from the Commissioner. In the case of a foreign association it shall in addition comply with all the other laws of this state applicable to foreign corporations. Before issuing licenses to associations to do business, or before issuing certificates of approval to a Probate Judge authorizing the incorporation of association, the Commissioner must make an examination of the proposed organization, business affairs of such association, its forms of contracts or shares, the terms and methods of its loans, its proposed advertising and all other matters in any way bearing on its safety as an institution in which money may be invested, and the terms upon which it lends money.

Section 11. STATEMENTS TO BE FILED. Every association doing business within this state shall, on the first day of January of each year, or within thirty days thereafter, file with the Commissioner a full and detailed statement of its financial condition on the 31st day of the preceding December. Said statement shall set forth the amount and character of its assets, liabilities, income and expense and shall contain such other information and be in such form as the Commissioner may prescribe and shall be sworn to by the President and the Secretary or Treasurer of such Association; and such report shall show the number and amount of loans outstanding upon its books.

Section 12. FEES. At the time of the filing of its annual statement every building and loan association doing business in this State shall be required to pay to the Commissioner for supervision and examination. (1) An annual fee of $50.00. (2) In addition to the annual fee, each association shall be required to pay an annual assessment of 20c per thousand dollars or fraction thereof on its total assets as of December 31st, preceding.

Section 13. EXAMINATIONS. The Commissioner shall annually, or oftener, if it is deemed advisable, either in person or

through duly appointed representatives, make a thorough and complete examination of every association doing business in this state; and for that purpose shall have the right to require officers, employees or agents of such associations, or any person connected therewith, to answer, under oath, any interrogatories addressed to them pertaining to the business of the Association and any wilful false swearing shall be deemed perjury and shall be punishable as such. The cost and expense of any additional examination made hereunder other than the annual examination provided for herein shall be paid for by the association examined. Said cost and expense to be determined by the building and loan board and same shall not exceed a reasonable per diem and traveling expenses.

Section 14. REFUSAL TO PERMIT EXAMINATION. The refusal of any association to permit an examination of its affairs as authorized by this act shall be sufficient cause for the winding up of its affairs, and the forfeiture of charter and liquidation of the association by receivership as set out in this act and upon such refusal it shall be the duty of the Commissioner to institute such proceedings.

Section 15. ACCOUNTING SYSTEM—APPRAISAL RECORD. Every association shall keep its books in such form as to accurately show its assets, liabilities, income and disbursements in detail and shall show the appraisal values in ink of the real estate security held in connection with each loan and signed in each case by the appraisal officer or committee charged with making such estimated valuation.

Section 16. ILLEGAL PRACTICES AND INSOLVENCY. In case the Commissioner shall find upon examination or from other evidence that any association is conducting its business in whole or in part contrary to the law of this State, or is failing to comply with the law, or that its assets are less than its liabilities including all money paid in on outstanding withdrawable shares and not including permanent non-withdrawable shares, surplus and reserves, or is conducting its business in an unsafe, unauthorized or fraudulent manner which will jeopardize the safety of the investments therein, the Commissioner shall by writing addressed to the President and each director of such association direct attention thereto and order compliance with the law or the correction of unsafe, unauthorized or fraudulent practices within 30 days from the dispatch of such notice by registered mail, or in cases of insolvency, regardless of such associations methods of business, shall, with the approval of the Board, order its liquidation without notice.

Section 17. LIQUIDATION. Authority to institute any action or suit for the liquidation of an association in case of insolvency or otherwise shall vest only in the Commissioner with the approval of the Board.

Section 18. PROCEDURE IN THE EVENT OF INSOLVENCY. (1) Should any association notified as set out under section 16 of this act, fail or neglect to comply with the notice thus given within the time stipulated in such notice, the Commissioner is hereby given power and authority upon approval of the building and loan board, to take possession of all books, assets and records of every description of such association and hold and retain possession of the same pending the further proceedings hereinafter specified. (2) Upon taking possession of the effects of the Association, the Commissioner shall prepare or have prepared a full and true statement of the affairs and condition of such association, including an itemized statement of its assets and liabilities and shall receive the dues on all debts and claims belonging to it, and shall generally administer the affairs of the association. The Commissioner shall within thirty days next after taking possession of the affairs of the Association, convene a special meeting of the members for the purpose of considering and acting upon his report of the affairs and condition of such association as found by him from his examination thereof. The members may at said special meeting take the necessary steps to comply with the previous orders of the Commissioner as to the conditions and practices of such association, at which meeting a majority of the shares in force must be present either in person or by proxy, and by the vote of those owning two-thirds of the shares represented at said meeting, resolve to go into liquidation, and for that purpose may by a majority vote of the shares represented at that meeting elect a receiver and fix his compensation, the compensation to be allowed a receiver under this section being an amount reasonable in proportion to the value of the property of the association, and in no event to exceed $3,600.00 per annum. (3) Such receiver and the compensation allowed him shall be approved by the Board, and such receiver shall not undertake the duties of his office until the Board, by a majority vote of its members, shall have approved the appointment of the receiver and his compensation by a duly adopted resolution to be filed in the office of the Commissioner, unless said Board shall fail for a period of fifteen days after receiving notice of such action by the members to act thereon, in which case the Commissioner shall have the power to approve the action of the members without action by the Board and such receiver shall then proceed to act the same as though the Board had approved such action of the members. A copy of the resolution adopted by the meeting of the members and duly certified by the presiding officer and secretary of said special meeting together with the name and address of the receiver thus elected shall be filed with the Commissioner. (4) Before entering upon the duties of his office, the receiver shall be required to execute to the Association a good and sufficient corporate surety bond for the faithful discharge of his duties which

bond shall be approved by and filed with the Commissioner. (5) Upon the election and qualification of said receiver as above provided, the Commissioner shall when so ordered by the Board, turn over and deliver to said receiver all the books, papers and records or effects of any description in his hands belonging to said Association. (6) Said receiver shall be charged with the collection of all dues, interest and other charges accruing upon the mortgages, notes or other claims owing to the Association, but shall receive no further dues or other payments upon any unpledged shares, or certificates issued by the Association and shall issue no further shares or certificates of the Association. He shall pay and procure the discharge of all preferred debts and obligations of the Association, and after paying legal and other expenses of his receivership, which shall be approved by the Board, he shall distribute the balance of the assets from time to time under orders from the Commissioner, pro rata to the liabilities of the Association to its members and certificates in proportion to the sums paid in on its several outstanding shares and certificates unpledged. (7) To facilitate the work of liquidation of such Association the receiver may, and on orders from the Commissioner so to do shall negotiate for the sale and transfer of the mortgages and other assets and property of the Association to another corporation or corporations, associations, person or persons, subject to the vested and accrued rights of the mortgagors, but before any such sale or transfer is carried out and consummated, a full report of the negotiations and the proposed terms and conditions of such sale and transfer shall be filed with and approved by the Commissioner and the Board. (8) Upon completion of the said duties intrusted to him, said receiver shall prepare a statement to that effect, reciting therein that all the liabilities of such Association have been completely discharged as far as its assets will permit and its assets and property distributed among all the persons entitled thereto. Said statement shall be subscribed and sworn to by said receiver and filed with the Commissioner and a notice of such dissolution shall be published for three consecutive weeks in a newspaper published in the county wherein the principal office of the Association is located. Upon the filing of said statement and making publication of notice as aforesaid, and the approval and confirmation of said statement and report by the Commissioner, such association shall be deemed liquidated and dissolved. (9) The election, appointment and approval of the said receiver shall not divest the Commissioner or the Board of any of the rights and duties of their respective offices with reference to the affairs of the Association under process of liquidation, and the Commissioner may exercise the same supervision and the same direction over the administration of the affairs of such association by the receiver as have been vested in him by law, including the right to examine the affairs of such association from time to

time and with the approval of the Board to again convene the members in special meeting as hereinbefore set out, for the purpose of electing a new receiver should such meeting decide so to do, nor shall it divest the members of the right to re-open the association for business upon meeting the requirements of the Commissioner and the Board. (10) In case the members fail or refuse at the meeting hereinabove authorized to provide for the correction of the unsafe, unauthorized or fraudulent practices called to their attention by the Commissioner, or, in cases of insolvency, to provide for the liquidation of such Association, then the Commissioner, with the approval of the Board, shall have the power and authority to appoint a receiver for such Association, whose duties and powers shall be the same as though he had been appointed or elected at such members meeting and such receiver shall proceed to liquidate the affairs of such Association as hereinabove provided. (11) The Commissioner, or a duly qualified receiver, while administering the affairs of an Association shall have the authority to satisfy mortgages which have been duly paid off on the records of the Probate Office in which recorded, and shall exercise the duties and authorities ordinarily exercised by the president or chief executive officer of an association as well as the powers and authorities conferred upon him by virtue of this act.

Section 19. FISCAL YEAR — FINANCIAL STATEMENTS. The fiscal year for the domestic association authorized to do business in this state shall be the same as the calendar year. On the first day of January, or within thirty days thereafter, each association shall publish in at least one newspaper of general circulation published in the place where its principal office may be located, or if no newspaper is published in such place, then in a newspaper published nearest such place, a financial statement showing the condition of the association at the close of business on the previous December 31st upon such forms as may be prescribed by the Commissioner the printed statements to be verified by the oaths of the President and Secretary or Treasurer; one copy of newspaper containing such financial statement to be furnished to the Commissioner within five days after publication and one copy of the statement as published to be recorded in the minute book of the Board of Directors of the Association or in such book of record as may be provided for that purpose.

Section 20. COMMUNICATION FROM COMMISSIONER. Each official communication directed by the Commissioner or one of his examiners or deputies, to an association, or an officer thereof relating to an investigation or examination conducted by the Commissioner or one of his examiners containing suggestions or recommendations as to the conduct of the business of the association, shall be submitted by the officer who receives it to the Board

of Directors at the next meeting of the Board and shall be noted in the minutes of the meeting of the Board.

Section 21. REPORT TO GOVERNOR. The Commissioner shall annually, at the earliest possible date after the statements of all associations are received, make a report to the Governor of the general conduct and condition of all associations doing business in this state, including the information contained in the annual statements of the associations, arranged in tabular form, together with such suggestions as he may deem expedient. He shall have printed of such report as many copies, not less than one hundred, as he may deem necessary, and such report shall contain a copy of any decisions or rulings which have been made regarding any section of this act. The Commissioner shall mail one copy of the report to each association in the State, the cost of such printing and distribution shall be paid from the funds of the Commissioner as herein or heretofore provided.

Section 22. DISCLOSURES OF EXAMINERS—PENALTY. Any examiner, deputy, inspector, assistant, or clerk appointed or acting under the provisions of this act, failing to keep secret any facts or information adverse to an association, obtained in the course of an examination or by reason of his official position, except when the public duty of such officer requires him to report upon or take official action regarding the affairs of an association so examined, or who wilfully makes a false official report as to the condition of an association, shall be removed from his position or office and shall be fined not more than $500.00 or imprisoned in the county jail for not more than one year, or both. Reports of examinations made to the Commissioner shall be regarded as confidential and not for public record or inspection except that for good reason same may be made public by the Commissioner. Nothing herein shall prevent the proper exchange of information relating to associations and the business thereof with the representatives of building and loan departments of other states, but in no case shall the private business or affairs of any individual association be disclosed. Any official violating any provision of this section, in addition to the penalties herein provided, shall be liable with his bondsmen to the person or association injured by the disclosures of such secrets, provided, however, that any association shall have a hearing before the Commissioner when dissatisfied with such report and within thirty days after such hearing and amending and the change, if any, of such report, as may be directed by the Commissioner, the final report shall become a public record, open to inspection.

Section 23. BONDS OF OFFICERS. Any officer, employee or agent handling or having the custody of funds or securities belonging to an association shall before entering upon the discharge of his duty give a good and suffcient bond in such sum as

may be fixed by the Board of Directors of any such association to protect it against pecuniary loss the association may sustain for money or other valuable securities embezzled or wilfully misapplied by any such officer or employee in the course of his employment as such, or in the course of his employment in any other position in the association, whether he be assigned, appointed, selected, or temporarily assigned to such position. The bond shall be made by a surety Company authorized to do business as such in this state. The amount and form of such bond and the solvency of the surety company shall be subject to the approval of the commissioner; Provided that in lieu of individual bonds a blanket bond covering all active officers, agents and employees of such association may be executed, subject to the same provisions as to approval, surety, amount and form specified herein.

Section 24. TRUST FUNDS. The shares, certificates, and other investments offered by associations shall be legal investments for the funds of fraternal, mutual, and legal reserve insurance Companies; general, special or sinking funds of municipalities, counties and the State of Alabama and credit unions as are not prohibited by the Constitution of Alabama.

Section 25. JOINT SHARES—MINORS. Shares or certificates may be issued in the names of two persons and in the event of the death of either, the association shall be liable thereon only to the survivor, and while both are living, payments to either of dividends, loans thereon, or all or part of the withdrawal value thereof shall discharge the liability to both. Minors may become members and may receive the withdrawal or matured values of their shares and the interest or dividend thereon and give valid receipts and quittances therefor, and shall enjoy the same privileges and rights as other members including that of pledging their shares.

Section 26. MEMBERSHIP—WITHDRAWABLE FEES—COMMISSION FOR SALE OF SHARES. No association authorized to do business in this state shall charge in excess of three per cent of the par or maturity value, or selling price, of each investment certificate or share issued, as a membership, withdrawal, cancellation fee, selling commission, or a fee under any other designation for joining or withdrawing from an association, or for the sale of certificates or shares provided that this shall not apply to shares that may be issued hereafter by any existing association under any fiscal agency contract or other contract for the sale of such shares in force and effect at the passage of this Act. Each association doing business in this state charging such a fee shall cause same to be printed, stamped or written upon its application for shares, certificates, or other securities issued by it, and upon the face of such certificate when issued the amount or rate of such fee, if any, charged thereon.

Section 27. AGENTS. No person not regularly employed by association in the ordinary conduct of its business shall act as solicitor for the sale of shares, shares of membership, certificates or other securities or forms of investment issued by or for the securing of loans from any association until he has first secured from the Commissioner a license therefor. The Commission upon request of any building and loan association doing business in this state shall issue the license when there is filed with a duplicate of the appointment or authorization, together with request from the Association that such license be issued to him to act as agent or solicitor for it, and accompanied by a fee of $10.00. All such licenses shall expire by limitation on the 31st day of December succeeding their issue, but can be renewed from time to time for an additional term of one year upon request therefor from the association originally applying and the payment of a renewal fee of $10.00. Any such license may be revoked at any time by the application of the association for whom it was issued, and may be revoked for cause by the Commissioner, if said Commissioner be so directed by the board. The Commissioner shall keep an alphabetical list of persons to whom such licenses are issued with the date of issue and renewal and the name of the Association for whom the licensee is authorized to act. All such licenses shall be issued under rules and regulations prescribed by the board, and fees and requirements herein stipulated shall be in lieu of any other fee or requirement now provided for by law.

Section 28. BRANCH OFFICES. No association shall establish more than one office, nor maintain branches other than those already established, except with the approval of the Commissioner already had in writing.

Section 29. RESTRICTIONS AS TO LOANS. No association shall make a loan to an officer, or director of such association, either directly or indirectly.

Section 30. FORECLOSURE OF MORTGAGES. Upon the foreclosure of any mortgage to an association there shall be credited on the mortgage indebtedness the withdrawal value of any shares held by the association as collateral for the loan and thereby the shares shall become cancelled. The sale by a member of property mortgaged to an association shall carry with it a transfer of the legal ownership of the shares which are pledged to secure the loan, but shall not relieve such member making such sale from liability on the mortgage indebtedness or any note or notes executed in connection with said mortgage.

Section 31. SHARES—DUES, LICENSES. (1) The shares and certificates of an association shall be paid for by the subscribers in the manner provided in the by-laws of such association. (2) Associations may issue shares or certificates on which the full amount is paid at the time of issue, and shares and certificates to be

paid for in weekly, monthly or other installments, or by payments at such time and in such manner as may be provided in the by-laws, until such shares or certificates reach their matured value or are withdrawn. (3) All payments on installment shares shall be called dues. Certificates, pass books or other evidence of the terms under which payments are made shall be issued to each shareholder on the first payment of dues by him, and the amount so paid shall be credited thereon and each amount paid thereafter shall be so credited. (4) The by-laws shall provide for the different classes of shares and certificates, the manner in which they may or may not be withdrawn in whole or in part, the extent to which they shall share in the net earnings of the Association, and the dividends, if any, to be paid thereon. (5) Associations shall have the right to determine the class or variety of shares or certificates, and the amount, to be issued to any member. (6) No association shall advertise as resources or assets a larger amount of shares than has actually been subscribed and paid in, nor advertise a greater dividend than has actually been earned and credited or paid to its members. (7) The voting power of members shall be such as may be provided for in the by-laws. (8) No shares nor funds of any association that are subject to withdrawal shall be subject to taxation. (9) All sums paid in as dues on withdrawable shares or certificates shall have a definite withdrawable value as may be provided in the by-laws, which in no case shall be less than the amount actually paid in as such dues or installments, less withdrawal or membership fees as provided in this act. (10) Municipalities may levy a license in proportion to the amount paid in on non-withdrawable shares, reserve and undivided profits of the association upon the same schedule as is now provided for banks in Section 6287 of the Code of Alabama of 1923, and none other. (11) The non-withdrawable or permanent shares of building and loan associations shall be subject to taxation on the same basis, and in the same manner as stock of other domestic corporations. (12) The holders of any class of stock, shares or certificates shall be deemed members of the association.

Section 32. RESTRICTIONS AS TO DEPOSITS. No association shall carry or have upon its books at any time any demand, commercial or checking account or any credit to be withdrawn upon the presentation of any negotiable check or draft.

Section 33. WITHDRAWALS, NOTICE, RESTRICTIONS AND SAFEGUARDS. In case the funds of an association applicable to withdrawals shall not be sufficient to pay off all members desiring to withdraw, such members shall be paid off in the order in which they file with the association their notices of their respective desires to withdraw; all such notices shall be filed in writing and a complete list of such notices shall be kept in numerical order and so numbered; withdrawing members shall be paid off as

funds are available for that purpose, provided that an association shall not be required to pay out more than one-half of the net monthly receipts of such association after repaying money borrowed and after paying administration expenses, including taxes, insurance and repairs on property owned, municipal assessments and other necessary charges and expenses and reserving funds for current dividends on withdrawable shares and certificates. Provided further that the above requirements shall be subject to the qualifications that no withdrawal by any one member shall exceed $1,000.00 in each thirty days ahead of other pending applications, and that the board of directors may at its discretion pay from the said half of receipts withdrawals not exceeding $50.00 to any one member at one time, or exceeding $100.00 to any one member within thirty days regardless of the order of application. Withdrawals shall be governed by the by-laws of the association in so far as such by-laws are not in conflict with the provisions of this Act, "and Provided that no part of funds obtained from the sale or hypothecation of mortgages shall be used in paying withdrawals by directors or officers of associations."

Section 34. CONSOLIDATION. (1) Any two or more associations may consolidate or merge in the manner provided by the laws of the State of Alabama for consolidation and merger of business corporations, provided, however, that any such consolidation or transfer must be approved in advance by the Board. (2) Any violation of any of the provisions of this section shall constitute a misdemeanor. Upon action brought by the Commissioner, with the approval of the Board a Circuit Court, or court of like jurisdiction, must issue an injunction restraining any person or association from continuing to violate any provision of this Act.

Section 35. VOLUNTARY LIQUIDATION. Any association of this state may at its annual meeting, or at any meeting called for that purpose, by a majority vote of its members resolve to liquidate and dissolve the association; providing that before such resolution shall take effect a copy thereof certified to by the president and secretary of the association, together with an itemized statement of its assets and liabilities, shall be filed with the Commissioner. When the Commissioner has approved the resolutions it shall thereafter be unlawful for the association to issue shares or make any loans, and the officers of the association under the direction of its Board of Directors shall thereupon proceed to liquidate the affairs of the association and reduce the assets thereof to cash and distribute the same among the members in proportion to the withdrawal value of the holdings of each member at the time of the passage of the resolution to dissolve, subject at all times to the supervision of the Commissioner and his right to take over and handle such liquidation provided he becomes convinced that it is not being properly handled.

Section 36. SLANDER. Any person who shall knowingly make, circulate or transmit in any manner whatsoever to another or others any statement untrue in fact derogatory to the financial condition of any association or who shall counsel, aid, procure or induce another or transmit or circulate any such statement or rumor with like intent, shall be guilty of an offense, and upon conviction shall be punished by a fine of not more than $2,500.00 or by imprisonment in the state penitentiary for a period not exceeding two years or by both fine and imprisonment. Where such acts are done anonymously or under a false name punishment shall be by a fine of not more than $5,000.00 or by imprisonment in the State Penitentiary for a period of not exceeding five years or by both fine and imprisonment.

Section 37. PENALTY FOR EMBEZZLEMENT. Any officer, director, clerk or agent of any association doing business in this state who embezzles or misapplies any of the money, bonds or credits of such association, who issues or puts into circulation any warrant or orders without proper authority, who issues, assigns, transfers, cancels or delivers up any note, mortgage, or any other written instrument belonging to any such association, who certifies to or makes a false entry in any book or statement of such association with intent in any case to deceive, injure or defame such association or any member thereof, or for the purpose of inducing any person to become a member thereof, or to deceive anyone appointed to examine the affairs of such association, shall be deemed guilty of a felony and on conviction thereof shall be imprisoned in the state penitentiary for a period of not less than two years and not more than ten years. Whoever, with intent to deceive, injures or defames an association as provided by law, or aids or abets any officer, agent, or other person in committing any of the prohibited actions enumerated herein, shall be deemd guilty of a felony and on conviction thereof shall be imprisoned in the state penitentiary for a period of not less than one year and not more than ten years.

Section 38. PENALTY FOR FAILING TO COMPLY WITH LAW. Any association failing to comply with the provisions of this Act shall pay $5.00 per day for each day it so fails after notice of the deliquency by the Commissioner, to be recovered by suit by the commissioner for the use of the Building and Loan Board.

Section 39. FOREIGN ASSOCIATIONS. No foreign Association shall do any business in this state until it has procured from the Commissioner a certificate of authority to do so to be approved by the board and no certificate of authority shall be issued until the said Commisisoner shall be satisfied that the requirements of this law have been fully met by the Association. Before certificate of authority shall be issued such foreign Association

shall comply with the following Provisions: (1) It shall file with the Commissioner a certified copy of its articles of incorporation, a copy of its by-laws and rules governing it and of the certificates issued by it, together with a statement of financial condition such as is required annually from all Associations organized under the laws of this State. (2) It shall deposit with the Commissioner of Alabama $25,000.00 in cash or bonds of the United States or bonds of any State in the United States. Such deposit shall be held as security for all claims of residents of this State against such foreign association and shall be liable for all judgments or decrees thereon; and said securities shall not be released until all its obligations to residents of this State shall have been fully performed and discharged. Such foreign associations may collect and use the interest on any securities so deposited so long as it fulfills its obligations and complies with the provisions of this act. Any foreign Association may, in lieu of the deposit of securities as herein provided deposit with the Commissioner of Alabama a surety bond in the sum of $100,000.00, which bond shall be conditioned for the claim of any judgment entered against any such foreign Association by any court of competent jurisdiction of this State in favor of any resident of this State.

Section 40. SECURITIES TO BE DEPOSITED WITH STATE TREASURER. All cash or securities deposited by a foreign Association with the Commissioner shall be immediately deposited by him with the State Treasurer, who with his sureties shall be responsible for the safekeeping thereof. The State Treasurer shall deliver such securities only upon a written order of the Commissioner, approved by the Board.

Section 41. CERTIFICATE TO FOREIGN ASSOCIATION. Whenever a foreign Association has complied with the provisions of this act and has furnished a full and complete statement of its financial affairs, duly sworn to by its president and secretary, and said financial status of such Association has been verified by an examination for the purpose of ascertaining whether the same meets the requirements of this law, said examination to be made by the Commissioner or his duly authorized representative, for which examination the said foreign Association shall pay, in a manner hereafter specified; the Commissioner if he be satisfied that the Association is in sound financial condition and that it is conducting its business in accordance with the laws of this State, and if he shall regard the Association as safe, reliable and entitled to public confidence, shall issue certificate of authority to the Association to do business in this State upon the payment of fees as hereafter provided. Provided, that the Commissioner may accept in his discretion a report of an examination of the affairs of such Association made by a supervising officer of its own State under

lawful authority. The certificate shall be for the period of one year and must be renewed each year.

Section 42. FEES TO BE PAID. All foreign Associations shall pay to the Commissioner the following fees: (1) For filing application for admission to do business in this state, $50.00. (2) For each certificate of authority and annual renewal of the same, $25.00.

Section 43. EXAMINATIONS FOR FOREIGN ASSOCIATIONS. Every foreign Association doing business in this State shall be subject to the same examinations as are Associations organized under the laws of this State; provided that the expense of all examinations of such foreign Associations shall be paid by the Association examined upon bill approved by the Commissioner, provided that it shall not be necessary for the examination to be made more than once each year; provided, further, that the expenses shall only include necessary traveling expense of the examiner and the sum of not more than $25.00 per day for each day actually required in making the examination.

Section 44. FEDERAL RESERVE. Associations are hereby empowered to become members of any Federal Reserve system for building and loan associations that may be hereafter provided by the United States Government and to conform to the laws, rules and regulations of such system.

Section 45. CONFLICTING LAWS. All laws or parts of laws in conflict herewith be and the same are hereby repealed. If any clause, section, division or portion of this Act shall be held to be invalid or unconstitutional by any court of competent or final jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its application to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved April 9, 1931.

No. 161.) (S. 83—Craft.

AN ACT

To amend Section 6, of Article One of an Act entitled an Act, "To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers and duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs,

advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads; persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue; Approved August 23, 1927.

Be it Enacted by the Legislature of Alabama:

Section One. That Section 6 of Article One of an Act entitled an Act, "To provide a general system of Legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of County Commissioners, municipalities or like governing bodies; to provide authority and empower the Boards of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of, the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishments, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads, to provide for State Bonds for construction and maintenance of roads, issue and sale of, Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals, and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927, be and the same is hereby amended so as to read as follows: "Section 6. (1303). DUTIES AND POWERS OF COMMISSION. —The State Highway Commission shall consider and determine all questions relating to the general policy of the State Highway Department and the conduct of its work and in the performance of its duties. It shall be the duty of the department to designate

the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this State; and shall have authority to make contracts or agreements, to construct, or pave the roadway only of the street or streets, which will serve to connect the State Highway constructed or repaired by the State Highway Department, within any town, or municipality in the State of Alabama, and in such towns or municipalities in which the State Highway Commission has not designated the street or streets which are a part of the State highways constructed or repaired by the State Highway Department it shall be the duty of the State Highway Commission to designate such street or streets and where the roadway of such street or streets was not in the corporate limits of such municipalities prior to the 26th day of August, 1927, but subsequently included in the corporate limits thereof by extending the city limits of such municipality by an Act of the Legislature, and which street or streets have been improved and paved with hard surface paving at the expense or credit of such towns or municipalities, or of the property owners owning property abutting such street or streets, the State Highway Commission shall make such contracts or agreements as may be necessary to provide for payment by the State of the actual cost of such hard surfaced paving for a width of twenty feet, provided that the total amount shall not exceed $50,000.00 for all of such towns or municipalities in which the city limits have been extended since August 26, 1927, by an Act of the Legislature, and the amount of $50,000.00 shall be prorated among such cities and towns in proportion to the amount actually expended by them, and may also co-operate or contract with any municipality, or county authorities in the paving or improving the roadway only, of any street or highway upon which a State Educational or Eleemosynary Institution may front or abut, provided that, where such State Educational or Eleemosynary Institution, or the property thereof fronts or abuts on both sides of the street or highway, the roadway of which is to be paved or improved, the State Highway Department is hereby authorized to, and shall, expend an amount of money sufficient to cover the entire cost thereof, and where such Institution, or the property thereof, fronts or abuts on only one side of such street or highway, the said Department is hereby authorized to, and shall, expend an amount of money sufficient to cover only one-half of the cost thereof; the State Highway Commission is authorized and empowered and may, with the approval of the Governor, enter into contract by bond or policy, with an Insurance Company authorized to do business in this State, covering a certain amount to be paid to the employees of the State Highway Department, actually engaged in the Construction, Maintaining or Repairing of Public Roads and Bridges, who by accidental means may be killed or injured. Provided that the amount paid

to any such party on account of accidental death, or injury shall not exceed the amount or amounts as provided by the Compensation Act of this State. The premium upon such bond or policy shall be paid out of the funds of the State Highway Department as provided by law; and to that end and for that purpose the Department may with the consent and approval of the Governor disburse any monies hereby or otherwise appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this State."

Approved April 10, 1931.

No. 163.) (H. 143—Davis of Macon.

AN ACT

To Give The Circuit Court When Sitting In Equity Power And Jurisdiction To Order And Have Made A Survey In Certain Pending Suits For The Purpose Of Fixing Or Establishing Disputed Land Lines Or Boundaries By Coterminous Land Owners Or to Locate The Position Of A Line Of The Government Survey Land Marker Or Other Object:

Be it Enacted by the Legislature of Alabama:

Section 1. Whenever in any suit pending in the Circuit Court in Equity it is pertinent and material to the determination of the issue or issues therein or to the proper entering of a description in the decree therein, to establish or fix a disputed land line or boundaries between coterminous land owners, or to locate the position of a line of the Government survey, or to locate a land marker or other object, the court may, as hereinafter provided, direct a competent surveyor or surveyors to make a survey for the purpose of fixing or establishing the disputed land line or boundaries between coterminous land owners or of locating the position of a line of the Government survey or of locating a land marker or other object.

Section 2. If the court is of the opinion that such survey should be made it shall enter a decree stating the reasons why, in its opinion, such survey should be made and fixing a day on which to hear objections thereof and directing the parties to said suit to show cause, if any, why such survey should not be made as proposed in said decree.

Section 3. Any party to such suit may file a motion therein stating the reasons why such a survey should be made and praying that the court appoint a competent surveyor or surveyors to make such survey, and upon presenting said petition to the judge of the court he shall enter an order fixing a day on which the same shall be heard and directing the other parties to said suit to show

cause, if any, why such survey should not be made as prayed in said petition.

Section 4. The notice to show cause why such survey should not be made shall be given by the service of a copy of the decree of the court, relative thereto when made by the court without application of a party to said suit, or when based on a petition by a party to said suit, then by service of a copy of such petition and the decree of the court on said petition on the party of his attorney of record as directed by the court in its order or decree. Such notice shall be for not less than ten days. The court may continue such hearing from time to time as in its opinion is proper.

Section 5. If no objection is made to the making of such survey, or the court is of the opinion that such objection as made is not well taken, and that such survey is pertinent and material to the determining of the issues in said suit, or to enable the court to properly enter a decree in said suit, and that such survey is advisable, the court may enter a decree providing for such survey and appointing a competent and disinterested surveyor or surveyors to make the same and fixing the manner in which the cost of such survey is to be paid and the court may include in such order or decree such additional conditions, terms and provisions as are proper and equitable.

Section 6. In the event a party to such suit petitions for such survey and offers to pay the cost of the same and it appears that such survey is pertinent to the determination of the issue or issues of said suit or is essential to the proper entering of a decree therein the court shall order such survey requiring the petitioning party to deposit with the Register of this court the estimated cost to be fixed by the court of such survey, which deposited funds shall be disbursed by order of the court; and on the deposit of such cost with the Register the court shall order such survey to be made.

Section 7. Such surveyor or surveyors shall promptly make the survey as directed by the court and file in said cause a map or plat, if practical, of such survey and a full and definite report thereof, which report shall be under oath; and such surveyor shall appear on such day as is fixed by the court for examination by the court or any interested parties of their attorneys relative to such report and map or plat. The report and map or plat of such surveyor or surveyors shall be considered by the court as prima facie correct.

Section 8. In fixing the compensation of the surveyor or surveyors the court may do so by an agreement or by allowing the usual compensation for such professional services. The provisions of this act are not exclusive and shall in no way affect any existing law relative to the power of courts to order a survey.

Approved April 16, 1931.

No. 165.) (H. 257—Carmichael.

AN ACT

To amend Section 3 of an act entitled An Act "Allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission." Approved July 1, 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 3 of an act entitled An Act, "Allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission, herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said Commission, approved July 1, 1927, be and the same is hereby amended so as to read as follows: Section 3. The Commission shall adopt a seal and shall have and hereby is vested with the sole direction, management, control and jurisdiction over all boxing, sparring and wrestling matches or exhibitions to be conducted, held or given within the State of Alabama, and no such boxing, sparring or wrestling match or exhibition shall be conducted, held or given within the state except in accordance with the provisions of this act. The Commission shall have full power and authority and it shall be its duty: (a) to make and publish boxing rules and regulations governing the conduct of boxing, sparring and wrestling matches and exhibitions, the time and place thereof, and the prices charged for admission thereto; (b) to accept application for and in its discretion order a license or permit issued to any patriotic organization chartered by authority of a special act of the Congress of the United States, or local unit thereof, desiring to promote or conduct a boxing, sparring or wrestling match or exhibition, and to revoke such license or permit when in their discretion they deem it just and proper, provided, however, that no license or permit shall be issued to any organization, or local unit thereof, which has not been in existence and held meetings at regular intervals for one year immediately preceding the granting of the permit; provided, further, that no local unit of a patriotic organization entitled to apply for a license or permit under the provisions of this Act shall be denied the right to promote or conduct a boxing, sparring or wrestling match or exhibition except for cause specified in writing; (c) to collect through the Recorder of Permits and Licenses a fee of one dollar for every permit or license to hold a boxing, sparring or wrestling match or exhibition, and ten per centum of the gross receipts of every boxing, sparring or wrestling match or exhibition, and a reasonable fee, to be fixed by the Commission, not to exceed

$10.00 for each annual license or permit issued to a boxer, wrestler, matchmaker, promoter, or manager, and $1.00 for each annual license or permit issued to referee, judge, ticket seller, announcer, trainer, second, medical examiner, ticket taker, director or timekeeper. (d) to revoke any license or permit when, in its sound discretion, the public welfare requires it.

Approved April 16, 1931.

No. 167.) (H. J. R. 95—Poole of Butler.

HOUSE JOINT RESOLUTION

WHEREAS reliable estimates show that if the cotton crop produced annually in the South were wrapped in cotton bagging and if cotton bags were used in sacking feeds, fertilizers, seeds, cement, and other products, the consumption of cotton would be increased by approximately 500,000 bales annually, and

WHEREAS the United States Bureau of Agricultural Economics estimates that this increase in consumption would advance the price of cotton more than one cent per pound or $5.00 per bale, and

WHEREAS this advance would increase the income of Alabama cotton farmers on a 1,300,000 bale crop by $6,500,000 and the income of the cotton farmers of America on a 14,000,000 bale crop by $70,000,000, now, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, the Senate concurring, that members of the Congress of the United States from Alabama be requested to lend their support and influence toward imposing a tariff upon the importation of jute into the United States at such rate as will result in the discontinuance of the use of jute for bagging cotton and for sacking feeds, seeds, fertilizers, cement, and other products.

Approved April 15, 1931.

No. 168.) (H. J. R. 96—Poole.

HOUSE JOINT RESOLUTION

WHEREAS millions of pounds of vegetable oils and fats are imported into the United States annually in direct competition with cotton seed oil and peanut oil produced in the State of Alabama and throughout the South, the result being that these commodities can no longer be produced by the farmers of the South at a profit, now, therefore

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the members of Congress from the State of

Alabama be requested to use their support and influence toward securing such a tariff upon vegetable oils and fats imported into the United States such as come in competition with like products produced in the South at such rates as to enable Southern farmers to meet this competition.

Approved April 16, 1931.

No. 169.) (H. J. R. 97—Tunstall.

HOUSE JOINT RESOLUTION

WHEREAS, there are many outstanding warrants and past due accounts owed by the State of Alabama for which there are no funds available; and

WHEREAS, we believe that the State should promptly pay all of her obligations and should set an example of honesty and business integrity; and

WHEREAS, there are no funds available for building roads and it is of vital importance to the State of Alabama, to all of her citizens and to every portion of the State, that all possible Federal Aid be procured and that the construction and maintenance of our roads be continued.

THEREFORE, BE IT RESOLVED, by the House of Representatives, the Senate concurring, that A Commission be created to confer with the Governor of Alabama and to formulate plans for financing the outstanding indebtedness and for securing funds to build roads in the State, the said Commission to consist of twenty-eight (28) members as follows: The Lieutenant Governor, the President Pro-tem of the Senate, the Chairman of the Finance and Taxation Committee of the Senate, and seven (7) members of the Senate to be appointed by the Lieutenant Governor; the Speaker of the House of Representatives, the Chairman of the Ways and Means Committee of the House of Representatives, and sixteen (16) members of the House of Representatives to be appointed by the Speaker.

Be it further resolved that the said Commission shall ascertain what, in their opinion, is the best method of solving the problems herein referred to.

Be it further resolved that the said commission shall ascertain what, in their opinion, is the best method of preventing the recurrence of these financial conditions to the end that hereafter the expenditures of the State in any one year shall never exceed the income for that year.

Be it further resolved that the said Commission shall report their findings and recommendations to the Senate and to the House of Representatives as soon as they can conveniently do so.

Approved April 16, 1931.

No. 170.) (S. 150—Hooten.

AN ACT

To amend Section 6307 of the 1923 Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6307 of the Code of Alabama 1923 be and the same is hereby amended so as to read as follows: 6307. SUPERINTENDENT MAY SELL OR COMPOUND BAD DEBTS OR REAL PROPERTY. The Superintendent by making application to the Circuit Court of the County in which the bank is located, may procure an order to sell or compound all bad or doubtful debts and on like order may sell all real and personal property of such corporation or individual banker on such terms as the court shall direct, provided, however, that the Superintendent shall have the right to ask for a blanket order from the Circuit Court of the county wherein the bank is located for the settlement of all debts, claims of any and all nature, deposits and for the sale of real and personal property wherein the amount or amounts involved is of less value than Twenty-Five Hundred Dollars ($2500.00), but on all or any of such court proceedings, the bank or individual banker shall be made a party by proper service issued from the Court, and the hearing of any such application or petition of the Superintendent may be had at any time after the bank or individual banker has had five days' notice of the application, provided, however, if notice of the hearing of said application is waived or the allegation of said application is admitted by the bank or individual banker, no further proof will be required of the allegations of said application and the order may be forthwith granted by the court hearing said application.

Section 2. This Act to be effective upon its approval by the Governor.

Approved April 16, 1931.

No. 171.) (S. 128—Craft.

AN ACT

To amend the title and section one of An Act entitled "An Act Creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 95,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the

Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent, and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association, or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws." Approved September 9, 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That the title of an Act entitled "An Act Creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents, and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of

children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association, or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration, or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws." Approved September 9, 1927, be and the same is hereby amended so as to read as follows: An Act Creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 100,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order and judgment of said courts; making it an offense for any person knowingly or wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association, or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which

said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws.

Section 2. That Section one (1) of said Act be and the same is hereby amended so as to read as follows: Section 1. COURT CREATED. There is hereby established and created Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 100,000 and not more than 175,000. Said Courts to be designated as Juvenile Courts of said counties; which courts shall have and exercise all the power, jurisdiction and authority which is herein or which shall hereafter be conferred upon such Courts.

Section 3. That all laws and parts of laws in conflict with the provisions in this Act are hereby repealed.

Section 4. That this Act shall take effect immediately upon its passage and approval.

Approved April 21, 1931.

No. 172.) (S. J. R. 63—McDaniel.

SENATE JOINT RESOLUTION

Resolved by the Senate, the House concurring, that House Joint Resolution No. 97, be amended so as to provide that the Commission therein provided for consist of thirty four members as follows: The Lieutenant Governor, the President Pro-tem of the Senate, the Chairman of the Finance and Taxation Committee of the Senate, and Nine Members of the Senate to be appointed by the Lieutenant Governor; The Speaker of the House of Representatives, the Chairman of the Ways and Means Committee of the House of Representatives, and twenty members of the House of Representatives to be appointed by the Speaker.

Approved April 21, 1931.

No. 173.) (H. 384—Barber.

AN ACT

To further define the powers and duties of County Commissioners in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census; to fix the place of their meetings; to provide for the method of appointment and removal of all employees whose compensation is paid out of County funds and to provide that the County Commission of such counties shall fix the number

of employees in all County offices and departments and fix the compensation of each; to require the County Commission in such counties to furnish bailiffs for the Courts therein, fix the number thereof and set their compensation; to authorize such County Commission to provide transportation for all county departments; to provide for the payment of the salary of all county employees out of County funds; to authorize County Commissions in such counties to employ special counsel in criminal cases and to fix their compensation; to provide for the appointment of solicitors in all misdemeanor courts in such counties and to authorize the County Commission to fix their compensation; to provide that the County Commissions in such counties shall appoint all officials and employees of Juvenile or Domestic Relations Courts and fix their compensation, and have complete charge and control of such Courts; to require County Commissions in such counties to fix the amount of official bonds of all county officers and employees, to pay the premium on such bonds and to fix the time when said bonds shall be filed; to require the publication semi-annually of the receipts and disbursements of all County funds and of all County pay rolls.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census that as soon as practicable after the approval of this act that all clerks, deputies, assistants, agents and other employees in the various County offices and departments whose compensation or any part thereof is paid from the funds of such County shall be appointed by the official in charge of the office or department in which such employee serves and such appointment before becoming effective shall be subject to the approval of the County Commission and each change in personnel thereafter shall be subject to such approval and all such clerks, deputies, agents, assistants and other employees may be discharged by the official in charge of such office or department or by the County Commission for such cause as may be deemed by it as sufficient. That the County Commission in such counties shall designate the number of deputies, clerks, assistants, agents and employees in all county offices and departments and shall fix the compensation of each.

Section 2. That it shall be unlawful for said Commission to appoint or to continue in the County service any person related by blood or marriage within the fourth degree to any member of the County Commission as an agent, officer, deputy, bailiff, clerk, assistant or other employee and it shall also be unlawful for said Commission to confirm the appointment of any clerk, deputy, agent, assistant or other employee who is related by blood or marriage within the fourth degree to the County officer or Department Head making any such appointment. It is the purpose of this Section to prohibit the pernicious evils of nepotism which is hereby declared to be unlawful, contrary to public policy, good morals and efficient Government, and is to be liberally construed to prevent the pay-

ment out of County funds of the salary or compensation of the relatives of County officers.

Section 3. That all bailiff service for all Courts in such counties shall be furnished by the County Commission who is hereby authorized and required to appoint a sufficient number of persons to serve the Courts in this capacity and to fix the number and compensation of such bailiffs; provided however that the provisions of this Section shall not apply to any bailiff serving a division of the Circuit Court trying criminal cases exclusively.

Section 4. That the County Commission in all such counties may appoint marshals to serve the Inferior Courts exercising criminal jurisdiction in such counties as may be necessary for the proper conduct of the operation of such Courts. That such marshals shall be invested with the same powers as deputy sheriffs and shall receive such compensation as may be fixed by the County Commission, and shall execute a bond in such sum as may be fixed by the Commission and conditioned the same as bonds of deputy sheriffs.

Section 5. That the County Commission in all such counties are empowered to arrange for the necessary transportation incident to the performance of all County business or affairs and for this purpose may purchase automobiles, trucks or other vehicles or may contract with any person, firm or corporation to furnish such transportation or may make any other contract or arrangement that they deem prudent or necessary for this purpose.

Section 6. That the County Commission of such counties shall have the power and authority to pay the salary of any county employee or employees out of any County fund which they may deem proper.

Section 7. That the County Commission of such counties shall assist in the supression of crime and to that end may employ special counsel and fix his compensation in such cases in which in their opinion such special counsel may be desirable or necessary.

Section 8. That the County Commission in all such counties shall determine the necessity of a solicitor in all misdemeanor courts in such counties and shall select such solicitors and fix their compensation which compensation shall be paid out of the General Fund of the County and all solicitor's fees collected in such misdemeanor cases which are taxed by reason of service of such solicitor shall be paid into the General Fund of the County.

Section 9. That the County Commission of such counties shall have complete and entire charge and control of all Juvenile or Domestic Relations Courts situated in such counties and for this purpose are invested with the power to select and designate all officials, agents, clerks, bailiffs, probation officers and all employees of every nature whatsoever connected with or in any manner appertaining to such courts and all of whom shall continue in the

service at the will of the County Commission and shall designate the number and fix the compensation of all officials, clerks, bailiffs or employees connected with the operation of such courts and designate the time and place or places for holding the sessions of such Court.

Section 10. That the property of all such counties of every nature, character and description whether real, personal or mixed shall be under the supervision and control of the County Commission who shall exercise the power to sell, regulate and define the use thereof and may make such rules and regulations as they may deem prudent and expedient for the care, protection and use of such property.

Section 11. That the County Commission of such counties shall each year fix the amount of the official bonds of all county officers and each county officer shall file with the Judge of Probate of such County each year an official bond conditioned as provided by law for the faithful performance of their respective duties. That such County Commission may in the exercise of their descretion require of all County employees handling public funds that they shall each year enter into a bond in an amount to be fixed by the Commission for the faithful performance of their duties and the proper accounting of all public monies coming into their hands. That the premium on all such bonds of both officers and employees shall be payable out of the funds of the County.

Section 12. That as soon as practicable after the first day of October and the first day of April of each year the County Commission of such counties shall cause to be published in a daily newspaper in general circulation in such counties a financial statement showing receipts and disbursements of all county departments and shall also publish at the same time a list of the names of all persons drawing a salary from the County Treasury together with the amount of salary paid to each.

Section 13. That the County Commission of such counties shall maintain offices and hold meetings, and transact the business at the places now provided by law, or that may hereafter be provided by law for such governing bodies of such counties, and may at the discretion of the Commission, hold meetings at other places in such county for the purpose of public hearings only.

Section 14. That said Commission may at its discretion pay out of County funds the traveling or other expenses of any County officer or employee when such officer or employee creates such expense under the order or direction of such Commission.

Section 15. That wherever the term Commission or County Commission is used in this act it shall be construed to mean the County Commission, Board of Revenue, Commissioner's Court or like governing body of all counties in this State having a population

of 300,000 or more according the last or any subsequent Federal census.

Section 16. That should any section or clause of this act be declared unconstitutional it shall not affect any other provision, section or clause thereof.

Section 17. That all laws or parts of laws, general, local or special in conflict with the provision of this Act are hereby expressly repealed.

Approved April 22, 1931.

No. 174.) (H. J. R. 91—Harris.

HOUSE JOINT RESOLUTION

WHEREAS, heretofore it has been claimed that Oren R. Smith of the State of North Carolina, was the designer of the Flag of the Confederacy, and has been acclaimed as such and by resolution of the Confederate veterans in re-union assembled, and

WHEREAS grave doubt and substantial belief exists that this claim is not backed by the real proof and backing that should substantiate a great historical fact, and that this matter should be looked into by the Legislature of the State of Alabama, and

WHEREAS the U. D. C. of the State of Alabama, is desirous of bringing real proof of the real designer of the said Flag of the Confederacy, before this body, to-wit, Nicola Marshall of Marion Alabama,

THEREFORE BE IT RESOLVED by the House, the Senate concurring, That the Speaker of the House appoint three members of the House, and the President of the Senate appoint Two members of the Senate to form and constitute a joint Committee of the House and the Senate to hear and determine upon such evidence as the U. D. C. or any one else, interested in the subject matter of this claim, and make report to the Legislature of their findings in the premises.

Approved April 21, 1931.

No. 175.) (H. J. R. 98—Carmichael.

HOUSE JOINT RESOLUTION

WHEREAS, certain departments of the State are crowded in the space which has been allotted to them; and

WHEREAS, there is no convenient space left for the work of the Enrolling and Engrossing Committees of the House and Senate,

THEREFORE, BE IT RESOLVED, by the House of Representatives, the Senate concurring, that A Committee of five (5) be appointed, three (3) members of the House to be appointed by the Speaker, and two (2) members of the Senate to be appointed by the Lieutenant Governor, to confer with the Governor's Secretary and to make plans with him for the proper allotment of the space at the Capitol and in other buildings now in possession of the State and which are used for the different departments,

Be it further resolved that this Committee shall investigate thoroughly the office space which is now used by every department and agency of the State and shall determine what space should be occupied by each one and make their recommendations to the Governor's Secretary for such changes as should be made in order to give every department and agency and the Enrolling and Engrossing Committees proper space.

Approved April 21, 1931.

No. 176.) (H. J. R. 104—Pitts.

HOUSE JOINT RESOLUTION

WHEREAS Death has come to Nicholas Longworth, Speaker of the National House of Representatives, a wise and good man, and

WHEREAS Mr. Longworth was always just in his political dealings, his justice knowing no party lines.

THEREFORE this Legislature expresses its sorrow at his death and its Sense of Loss at his passing.

RESOLVED FURTHER that the Secretary of State of Alabama shall send a copy of this Resolution to the National House of Representatives Washington, D. C.

Approved April 21, 1931.

No. 177.) (S. 188—Craft.

AN ACT

To amend Section 9712 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 9712 of the Code of Alabama for 1923 be amended so as to read as follows: Section 9712. ARTICLE DOES NOT APPLY TO GOVERNMENTALLY OWNED RAILROADS BUT SHALL APPLY TO STATE OWNED RAILROADS. The provisions of this article shall not apply to any transportation company owned by a municipality or by the Federal Government but shall apply to a State owned transportation Company.

Approved May 14, 1931.

No. 182.) (H. J. R. 107—Black of Geneva.

HOUSE JOINT RESOLUTION

WHEREAS, the Town of Geneva, the County site of Geneva County, Alabama, is located between the Choctawatchee River, Pea River and Double Bridges Creek, and near the junction of said streams; and

WHEREAS, during the past twenty-five years the Town and community has been several times seriously damaged by flood waters from said streams; and

WHEREAS, in the Spring of 1928 these streams reached flood proportions resulting in more serious damages than had ever been experienced up to that time and indicating a more frequent recurrence of greater proportions each year; and

WHEREAS, on March 16, 1929 the most disastrous flood in the history of the Town and community swept over it, flooding every business house within its borders, washing away and totally destroying many homes and business houses; flood waters reaching a depth of more than fifteen feet on Main Street in front of United States Post Office, resulting in great loss and damages to the public records of the County as well as loss and damage of property, reaching the enormous figures of more than One Million Dollars; causing human suffering, reducing many of our fellow citizens to the direst straits for a bare subsistence, and in this, they would have been denied but for the magnificent service of the Red Cross Association, aided by State and Governmental Agencies; and

WHEREAS, the remedying of this wide spread loss and waste, call most loudly for immediate and careful consideration, and attention; and

WHEREAS, the Choctawatchee River is a navigable stream over which the National Government has assumed certain jurisdiction; and

WHEREAS, the Congress of the United States made an appropriation for a survey of said streams to ascertain the feasibility and practicability of flood protection for the Town of Geneva and community, which survey has been completed by skilled and competent engineers of the War Department of the United States;

NOW THEREFORE BE IT RESOLVED that we, the House of Representatives and Senate of Alabama in regular session assembled, do hereby memorialize and respectfully urge the Congress of United States to make provision, at its next session, upon the report of the engineers, if found practicable, to take all steps that may be necessary, in the full exercise of its powers, toward the speedy remedying of such conditions, and the protection, by levee or otherwise, of our fellow citizens from a recurrence of such enormous losses, suffering and waste; and

We further memorialize and urge the Senators and Representatives from Alabama in the Congress of the United States to take as soon as possible such steps as are necessary and proper to bring this matter before Congress and to obtain such action as is necessary to effect the relief herein mentioned;

That a copy of this resolution be promptly furnished, after its passage and approvel, to the Secretary of War of the United States, and each Senator and Representative in Congress from Alabama.

Approved May 14, 1931.

No. 183.) (H. J. R. 115—West.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that the Joint Committee heretofore appointed, may sit during the recess beginning tomorrow, to complete their work.

BE IT FURTHER RESOLVED that said Committees shall have the power to summon and examine witnesses and shall have access to any and all documents, records and other information which in their judgment they may need.

BE IT FURTHER RESOLVED that said Committees shall have power and authority to employ a stenographer to assist them in their work.

Approved May 14, 1931.

No. 184.) (H. J. R. 117—Barber.

HOUSE JOINT RESOLUTION

WHEREAS, Major General William G. Everson, Chief of the Militia Bureau of the United States will be a guest of honor at the dedication of the Municipal Airport of the City of Birmingham, Alabama, on May 30th., 31st., and June 1st., 1931, and,

WHEREAS, General Everson is a distinguished officer of the United States Army and the National Guard, a noted lecturer, author, and a minister of the Gospel, Now Therefore,

BE IT RESOLVED by the House of Representatives, the Senate concurring, that Major General William G. Everson, be invited to address a joint session of the Legislature of Alabama on the subjects of National Defense and Military Affairs on Tuesday, June 2nd., 1931;

RESOLVED FURTHER that the Secretary of State immediately forward a copy of this resolution to General Everson at the Militia Bureau at Washington, D. C.

Approved May 14, 1931.

No. 185.) (H. J. R. 122—Fraser.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, The Senate concurring, that an invitation be extended to the Hon. Claude Bowers, to address the joint session of the Legislature of Alabama on Friday, May 15th, 1931:

Approved May 14, 1931.

No. 187.) (H. 477—Bradford of Jefferson.

AN ACT

To permit the Sheriff in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census to serve by Registered Mail subpoenas, notices for jury service, copies of interrogatories in Civil causes and to provide that return receipt duly signed by the party to be served shall be construed as personal, sufficient and legal service of all such processes; to fix the duty of all Sheriffs in such counties in the event that said processes are returned for any cause without being delivered to the addressee.

Be it Enacted by the Legislature of Alabama:

Section 1. That after the passage and approval of this Act that the Sheriff in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census may serve all subpoenas, notices of the requirement of attendance for jury service and copies of interrogatories in civil causes by Registered Mail. That he shall enclose the same in an envelope addressed to the person to be served and indorse on said envelope "For delivery to the Addressee only" and shall demand a return receipt, which demand shall also be indorsed on the envelope and placed thereon all necessary postage.

Section 2. That when the return receipt signed by the addressee is returned to the sheriff by the Post Office Department of the United States the Sheriff shall thereupon mark the process executed and it shall be considered for all purposes as personal, sufficient and legal service.

Section 3. That in the event said processes so mailed should be returned to the Sheriff by the Post Office Department of the United States without delivery to the addressee that the Sheriff shall immediately by himself or his deputy make every effort to personally serve said process.

Section 4. The provisions of this Act shall not apply to processes returnable before the Court instanter.

Approved May 14, 1931.

No. 189.) (H. 206—Black of Geneva.

AN ACT

To amend Section 6401, Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6401 of the Code of Alabama of 1923 be and the same is hereby amended so that said Section shall read as follows: "6401. DUTIES OF DIRECTORS; BONDS OF—Officers and managers of individual banks and Directors of banks and trust companies shall meet regularly, and shall direct and supervise the banks under their charge. Such Officers and Directors, at their first meeting after election, shall fix and prescribe the amount of bond that shall be required of each officer and employee of the bank, which amount shall be satisfactory to the Superintendent of Banks, and shall not be less than the amount that may have been fixed or that may be hereafter fixed by the Superintendent of Banks for officers and employees of banks of the class to which it belongs. They shall require bonds, either individual or in blanket form, from each and every officer and employee handling money, checks, securities or other valuable papers of the bank, such bond to be made by a bonding company authoritzed to make such bonds in this state, to be approved by the Board of Directors, and to be on such form as may be approved by the Superintendent of Banks. The Superintendent of Banks or the Board of Directors of the bank may require an increase of the amount of such bond, or other adidtional bond or securities, when he or they deem it necessary for the better protection of the bank and its Depositors. Directors, as such, shall not be required to give bond.

Approved May 20, 1931.

Passed Over Governor's Veto.) (H. 435—Taylor.

AN ACT

To provide that all cities in Alabama having a population of 67,200 according to the last Federal Census and not more than 200,000 according to the last Federal Census, shall through their City Commission or other governing body of such cities, by whatever name called, appoint a Chief of Police and such other police officers as may be necessary for the protection of such City and fix their term of office or employment, and fix their salary or compensation and define their duties.

Be it Enacted by the Legislature of Alabama:

Section 1. That all cities in the State of Alabama having a population of 67,200 and not more than 200,000 population according to the last Federal Census, shall through its City Commis-

sion or other governing body of such cities, by whatever name called, appoint a Chief of Police for a term of one year or until his successor qualifies who shall receive a salary of not less than $3,800.00 per annum to be paid in twelve monthly installments, and such City Commission or governing body shall appoint a necessary number of Lieutenants of police to hold office at the will of such City governing body except that they shall not be discharged or removed from office without cause, at a salary of not less than $2,100.00 per annum, to be paid in twenty-four equal installments and shall appoint the necessary number of Sergeant of Police at a salary of not less than $1,530.00 per annum, to be paid in twenty-four equal installments, and the necessary number of police officers at a salary of not less than $1,440.00 per annum to be divided into twenty-four equal installments. The governing body of such City or Cities shall have power to increase any of the salaries set out in this act but shall in no event reduce same below the schedule herein set out, all of said salaries to be paid out of the general fund of such City or Cities as herein provided.

Section 2. No police officer employed as such in any city affected by this Act shall be removed or discharged from office or employment without cause.

Section 3. The duties of such officers in all cities or city affected by this act shall be as is now fixed by law or as may hereafter be fixed by law or by city ordinance of such city or cities.

Section 4. This Act shall become effective on its passage.

Passed over Governor's Veto May 26, 1931.

No. 201.) (H. 482—Taylor.

AN ACT

To provide for the extension or re-extension of the time of payment of interest bearing warrants issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than one hundred thousand and not more than three hundred thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, at a rate of interest not exceeding six per cent, in lieu of maturing warrants, the time of payment of which are to be extended or re-extended, and providing that the extension or re-extension shall not be for a greater period than twenty years from the date of contracts upon which said warrants were issued.

Be it Enacted by the Legislature of Alabama:

Section 1. Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than one hundred thousand and not more than three hundred thousand inhabitants according

to the last or any subsequent Federal census, are authorized and vested with full authority to extend and re-extend the time of payment of any interest bearing warrants issued as payment for the construction or repair of any public roads or bridges in their respective Counties, or issued in extension of such payment, for such period of time as to them may seem advisable, provided such time shall not be for a greater period than twenty years from the date of the contract for the construction or repair of such public roads or bridges, and upon which said contract the original warrants were issued; and in making such extension of time of payment, such Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several Counties of this State, are authorized to issue new warrants, bearing interest at a rate not exceeding six per cent (6%), to the legal holders of maturing warrants, and deliver them to the holders of such warrants in lieu thereof, which last said warrants shall be in such form as said governing bodies may adopt, and shall be binding and valid obligations of said Counties.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the governor.

Approved May 20, 1931.

No. 203) (H. J. R. 94—Edgar.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That

WHEREAS Honorable Nickolas Longworth, Speaker of the National House of Representatives has expressed an interest in the State of Alabama and City of Montgomery, and might visit this section of our country during the recess of the National Legislature; Therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE CONCURRING, of the State of Alabama, that the Honorable Nickolas Longworth be and he hereby is invited to visit the City of Montgomery, Alabama's Capitol City, and to make an address before a Joint meeting of both Houses.

RESOLVED FURTHER, That a committee of three be appointed by the Speaker of the House and two members to be appointed by the President of the Senate to forward this invitation to the Honorable Nickolas Longworth, and to have charge of his entertainment at Montgomery during his visit. That said com-

mittee be instructed to show the Speaker every courtesy and consideration during his proposed visit.

Adopted by the House of Representatives May 13, 1931.

Adopted by the Senate April 3, 1931.

No. 205.) (H. 66—Callahan.

AN ACT

To exempt from Taxation all Lands Acquired by the United States Government in the State of Alabama during the yars 1930 and 1931 for the purpose of constructing thereon veterans' homes, hospitals or any other buildings for governmental agencies, for the tax year commencing October first, 1930.

Be it Enacted by the Legislature of Alabama:

That all the lands acquired by the United States Government during the years 1930 and 1931, by gift condemnation purchase, or otherwise, for sites for veterans' homes, hospitals or other governmental agencies be, and the same are hereby exempted from all state, county and municipal taxes, from the date acquired by the Government but the tax payer shall pay such taxes on a pro rata basis from October 1, 1930, to the date the Government acquires said lands.

Approved May 22, 1931.

No. 206.) (H. 119—Stokes.

AN ACT

To permit Automobile, automobile truck and other motor vehicle license and license tags to remain with the automobile, automobile truck or other motor vehicle for which they were purchased, and to be used by the new owner of such automobile, automobile truck or other motor vehicle and to require proper record in the Probate Office and in the State Tax Commissioner's Office of such change of ownership, and to prohibit any motor vehicle license tag being transferred from one motor vehicle to another or being used on any motor vehicle except the one for which it was originally taken out.

Be it Enacted by the Legislature of Alabama:

Section 1. That when a proper automobile, automobile truck or other motor vehicle license tag shall have been bought for the current tax year for an automobile, automobile truck or other motor vehicle, and such automobile, automobile truck or other motor vehicle shall have been sold or transferred to a new owner or to new owners, either once or successively, such automobile, auto-

mobile truck or other motor vehicle license tag shall remain on such automobile, automobile truck or other motor vehicle in the hands of the new owner or successive owners for the balance of the tax year, and no new or other license tag need be taken out for the operation of such automobile, automobile truck or other motor vehicle until the beginning of the next tax year, provided each and every change of ownership of such automobile, automobile truck or other motor vehicle and the name and address of the new or successive owner are noted by the Probate Judge on his record of the license and reported by him to the State Tax Commission within ten days after such change in ownership is reported to him, and it shall be the duty of the old and new and successive owners to report such change in ownership to the Probate Judge within five days from such change in ownership.

Section 2. That no automobile, automobile truck or other motor vehicle license tag shall be transferred from one motor vehicle to another motor vehicle, nor shall any motor vehicle be operated with any motor vehicle license tag which was originally purchased or taken out for use on or for the operation of another motor vehicle.

Section 3. That any person failing to perform the duty required of him by the provisions of this Act shall be guilty of a misdemeanor and upon conviction, shall be fined not exceeding one hundred dollars.

Section 4. That all laws and parts of laws in conflict with this Act be and they are hereby expressly repealed.

Section 5. That this act shall go into effect on October 1, 1931.

Approved May 23, 1931.

No. 209.) (H. J. R. 129—Harris, Hamby and Mize, Committee on part of The House.

Hubbard and Cooper, Committee on part of the Senate.

HOUSE JOINT RESOLUTION

RESOLVED by the House and Senate concurring that the report of this Committee be adopted and that Mr. Nicola Marshall be and he is hereby recognized by the State of Alabama as the real designer and maker of the first flag of the Confederate States of America.

Approved May 20, 1931.

No. 210) (H. 139—Tate.

AN ACT

To amend Section 7287 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

That Section 7287 of the Code of Alabama be amended so as to read as follows: Sheriffs are entitled to receive the following fees for the following services: Services rendered in the incorporation of towns under the provisions of this Code, to be paid by the corporation.....$5.00. Serving and returning an application to perpetuate testimony, to be paid by the applicant.....$1.00. Services in proceedings to incorporate railroads under the laws of this State; such fees are usually allowed in civil proceedings. Services in cases of arbitration under the provisions of this Code the customary fees for executing subpoenas, which must be paid jointly by the parties unless the arbitrators otherwise determine. Services in relation to persons of unsound mind, the same fees as are allowed for similar services in other cases, to be paid out of the County Treasury, if such persons have no estate. Levying attachment.....$3.00. Entering and returning same.....$.25. Summoning garnishee and making return.....$1.50. Selling property attached, the same as for selling under execution. Serving summons and other mesne process, and returning the same.....$1.50. Summoning each witness and returning subpoenas.....$.65. Impaneling a jury, in each case when a jury is sworn.....$.75. Executing a writ of possession.....$5.00. Making a deed to real estate sold.....$2.50. Serving summons and making return in cases of forcible entry and detainer and unlawful detainer.....$1.50. Executing writ of restitution in such cases.....$5.00. Other services in such cases, the same fee as in Circuit Court. Collecting execution for cost only$1.50. Summoning a jury for any inquisition in the County, or under a writ of ad quod damnum, or dower, and attending on such jury, and taking inquest, per day, when no other provision is made by law.....$5.00. Serving subpoenas on bills in chancery, and returning the same, for each defendant.....$1.50. Serving scire facias, or notice in the nature thereof, and returning the same.....$1.50. But no fee shall be charged by him for serving the scire facias on a defendant juror or witness, when the same has been excused by the court without terms. Serving any summons not herein provided for, and making return.....$1.50. Serving attachment for contempt of court, or rule to show cause.....$1.50. Taking and approving bond of every kind.....$1.00. Collecting money under execution; for the first $200.00, (two hundred dollars), five (5%) percent; for collecting all sums over $200.00 (two hundred dollars), up to and including five hundred ($500.00) dollars, four (4%) percent; and for collecting all sums in excess of five hundred ($500.00)

dollars, three (3%) percent; but no commission shall be collected on costs. Levying execution when sale is stayed after levy by a restraining order, one-half of the commission for selling under execution, to be paid by the party obtaining the order, to be taxed for his benefit, if successful, against the adverse party on termination of the suit. When an attachment is by him levied on personal property, which is replevined, or the cause is settled without suit he is entitled to one-half of the commissions upon the amount of the demand sued for, allowing him for making money on execution, to be paid by the party paying such demand, or replevying such property; and, if such demand is afterwards collected upon execution, or other final process he must receive only one-half of commissions; and if the plaintiff fails to obtain judgment, the amount so paid on the replevy of the property must be taxed as costs against him, and collected for the benefit of the defendant. Attendance upon the Probate Court when a jury is in attendance, or upon the circuit court when a jury is in attendance each day to be paid out of the County Treasury.....$3.00. And the clerk after adjournment of each term of such court, shall certify to the court of County Commissioners the number of days the sheriff so attended and the amount of his compensation therefor; shall be drawn in favor of the sheriff on the County Treasurer. Discharging his duties in relation to the public roads, he is entitled to receive annually, on showing to the Court of County Commissioners that he has discharged his duties to be paid out of the County Treasury not exceeding $90.00. Services under provision of this Code for the erection of dams and public mills; for the service of each writ, application or notice, and return thereon, $.50; for summoning a jury and attending and charging the same, and returning their inquest.....$5.00, to be paid by the applicant before any other proceedings are had; for serving subpoenas and other services, the same fees as in other cases, to be paid by the unsuccessful party, for which execution may issue. Seizing personal property under writ of detinue.....$3.00. Taking care of such property, such just compensation as the Court may fix. Impaneling grand juries, advertising and attending all elections in his County, and for all other public services not otherwise provided for, such sums as may be just to be allowed by the County Commissioners Court, upon presentation of a verified account showing the items of service rendered, to be paid out of the County Treasury not exceeding six hundred ($600.00) dollars per annum provided, that any sheriffs whose annual income from fees of office exceeds five thousand net, after all expenses have been paid by him, shall not have any ex-officio allowance, to be paid quarterly. For serving notice upon elector to show cause why his name should not be stricken from registration list.....$.65.

Section 2. That in all counties in this State where the Sheriff is on a salary or whose compensation is paid out of the county

treasury that he shall collect such fees and shall remit the same to the treasury of said county.

Approved May 27, 1931.

No. 211) (H. 308—Barber.

AN ACT

Relating to expenses to be borne by Boards of Education of cities having a population of 200,000 inhabitants or more, according to the last or any succeeding Federal Census.

Be it Enacted by the Legislature of Alabama:

That it shall be the duty of the City Board of Education of each city of the State of Alabama having a population of two hundred thousand inhabitants or more, according to the last or any succeeding Federal Census, to cause to be paid out of its general operating revenue all lawful expenses incurred in calling and holding any special election to secure authorization for issuance of bonds or levy of taxes for use of such City Board of Education, together with the lawful expenses of taking any school census now or hereafter authorized to be taken by or through such City Board of Education; provided, however, that any such expenses which it may now be lawful to pay out of the proceeds of a bond issue may continue to be so paid.

Approved May 27, 1931.

No. 212) (H. 413—Barber.

AN ACT

To abolish the office of Coroner in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census and to require the County Commission in all such counties to perform the duties now or which may hereafter be by law required of Coroners in this State and to invest such County Commissions with all the rights and powers of such Coroners.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census that the office of Coroner is hereby abolished and all powers, rights and duties now authorized or required by law, or which may be hereafter authorized or required by law to be performed by Coroners in this State shall be exercised and performed by the County Commission of such County. Provided, however, that when the office of Sheriff is vacant or when the Sheriff is imprisoned or is a party to any litigation that the President of the County Commission of such counties shall perform the duties of Coroner.

Approved May 27, 1931.

No. 215) (H. 550—West.

AN ACT

To regulate the handling, control, custody and disposition of all official or trust funds by all County officers and employees in counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census; to provide that the officers and employees of such counties shall pay into the County Treasury all official or trust funds now held by them or hereafter received by them or coming into their possession; to provide that such officers and employees shall be relieved from liability both personally and on their official bonds for the safe keeping of such funds when such funds are actually paid into the County Treasury and receipted therefor; and to prescribe the method by which said funds shall be controlled and paid out, and to authorize the County Commission in all such counties to make rules and regulations governing the receipt, control, custody and payment of such funds.

Be it Enacted by the Legislature of Alabama:

Section 1. That immediately after the passage and approval of this Act all County officers and employees in counties in this State having a population of 300,000 or more according to the last or any subsequent Federal census shall pay into the County Treasury Comptroller or other like officer of such counties all official or trust funds at that time held by them; and shall in the future pay all such funds received by them into the County Treasury under such rules and regulations as may be prescribed by the County Commissions in such counties.

Section 2. That all County officers and employees in such counties shall be relieved from both civil and criminal liability both personally and on their official bonds for the safe keeping of such funds as are actually paid into the County Treasury by them under the provisions of this Act.

Section 3. That the County Treasury, Comptroller, or other disbursing officer having the custody of County funds shall upon the order of the County officer or employee paying such funds to him pay out or disburse the same to the person, firm or corporation entitled thereto.

Section 4. That the County Commission or other governing body of such counties shall have the power and are charged with the duty to make and enforce all necessary rules and regulations for carrying out the provisions of this Act.

Section 5. That any County officer or employee who fails to comply with the provisions of this Act shall be guilty of a wilful neglect of duty.

Approved May 27, 1931.

No. 218) (S. 221—Farmer.

AN ACT

To divide the State into judicial circuits for the circuit courts to be numbered and composed of the counties named.

Be it Enacted by the Legislature of Alabama:

Section 1. The State of Alabama is hereby divided into judicial circuits for the circuit courts, which circuits are numbered and composed of the counties as follows: FIRST CIRCUIT—Choctaw, Clarke and Washington. SECOND CIRCUIT—Butler, Crenshaw and Lowndes. THIRD CIRCUIT—Barbour, Bullock, Dale and Russell. FOURTH CIRCUIT—Bibb, Dallas, Hale, Perry and Wilcox. FIFTH CIRCUIT—Chambers, Lee, Macon, Randolph and Tallapoosa. SIXTH CIRCUIT—Tuscaloosa. SEVENTH CIRCUIT—Calhoun, Cleburne, and Talladega. EIGHTH CIRCUIT—Cullman, Lawrence, Limestone and Morgan. NINTH CIRCUIT—Cherokee, DeKalb, Jackson and Marshall. TENTH CIRCUIT—All of Jefferson County, less and excepting that portion of said county now embraced in the twenty-fourth judicial circuit. ELEVENTH CIRCUIT—Colbert, Franklin and Lauderdale. TWELFTH CIRCUIT—Coffee and Pike. THIRTEENTH CIRCUIT—Mobile. FOURTEENTH CIRCUIT—Fayette, Lamar, Marion, Walker and Winston. FIFTEENTH CIRCUIT—Montgomery. SIXTEENTH CIRCUIT—Blount, Etowah and St. Clair. SEVENTEENTH CIRCUIT—Marengo, Greene, Pickens and Sumter. EIGHTEENTH CIRCUIT—Clay, Coosa and Shelby. NINETEENTH CIRCUIT—Autauga, Chilton and Elmore. TWENTIETH CIRCUIT—Henry and Houston. TWENTY-FIRST CIRCUIT—Baldwin, Conecuh, Escambia and Monroe. TWENTY-SECOND CIRCUIT—Covington and Geneva. TWENTY-THIRD CIRCUIT—Madison. TWENTY-FOURTH CIRCUIT—the following precincts in Jefferson County, viz: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwin Precinct No. 35, Hueys Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53 and Brighton Precinct No. 55, and Precinct No. 57.

Section 2. All laws in conflict herewith are hereby repealed.

Section 3. That the provisions of this Act shall go into effect on January 1st, 1932.

Approved May 27, 1931.

Passed over Governor's Veto) (S. 279—Craft.

AN ACT

To provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide the qualifications, appointment, term, duties, bond, and compensation of such Deputy County Treasurers.

Be it Enacted by the Legislature of Alabama:

Section 1. In each County of the State, having a population of nor less than one hundred thousand, nor more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census, the County Treasurer is hereby authorized to appoint a Deputy County Treasurer, who shall hold office at the will of such Treasurer, and who shall perform such duties as may be prescribed by such Treasurer, or as required by law.

Section 2. Such Deputy County Treasurers shall be qualified electors of the County in which they hold office; and before entering on the discharge of their duties shall give bond, in an amount prescribed by the County Treasurer of each such County, and with the bond premiums paid by each such County.

Section 3. The compensation of such Deputy County Treasurers shall be twenty-one hundred dollars per annum, payable in monthly installments out of the County Treasury of the County in which they are appointed.

Section 4. This Act shall not repeal or modify any existing law, or laws, and shall become effective upon its passage and approval.

Passed over the Governor's Veto June 16, 1931.

No. 222.) (S. J. R. 78—Craft.

SENATE JOINT RESOLUTION

WHEREAS, no problem confronting the American people more than the economic needs of National and State highways and bridges connecting the same recognizing the needs of continuing the building of a dependable system of highways and realizing the wonderful interest that is being manifested through out the Nation in the building of good roads and the influence that has been wielded in the past and the good that would be accomplished by the holding of a 19th annual convention of the United States Good Roads Association that was founded, organized and incorporated under the laws of Alabama and which organization the late Senator John H. Bankhead served as president for eight years

and of which has a membership in every State in the Union; Now, therefore,

BE IT RESOLVED by the Senate, the House concurring, that a cordial invitation be extended to the officers and members of United States Good Roads Association to hold its 19th Annual Convention in conjunction with the 14th Annual Convention of the Bankhead National Highway Association in Birmingham, Alabama, October 12th to 15th.

RESOLVED FURTHER that we join in inviting the Governors and other officials in every State in the Union to appoint delegates to the United States Good Roads Association assuring them that on behalf of the people of Alabama that are noted for their hospitality that a cordial and hearty welcome will be accorded them.

RESOLVED FURTHER that enrolled copies of this resolution signed by the Lieutenant Governor, Speaker of the House and Governor be sent to the President and U. S. Director General of the United States Good Roads Association and President of the Bankhead National Highway Association.

Approved May 27, 1931.

No. 223.) (S. J. R. 79—Riddle.

SENATE JOINT RESOLUTION

WHEREAS, there is located in the State of Alabama, sixteen miles southwest of the city of Talladega, Kymulga Cave, a natural cave which is equal in size and beauty to any such curiosity on the American Continent, the main cavern being three hundred and seventy-eight (378) feet long, one hundred and sixty-five (165) feet wide and one hundred and twenty-seven (127) feet high and being lined with stalactites and stalagmites of beautiful onyx of white, black, yellow, brown and red markings and

WHEREAS, within said cavern there are many interesting formations that resemble natural objects such as the Redwood Forest of California, the two-faced man, the twin sisters, the dragon, the camel, the cow, King Tut, Lon Chaney in the Hunchback of Notre Dame, the Japanese Lady, the Soldier, the Pulpit and Pipe Organ, the Herd of Elephants, the beautiful waterfall, Juniper trees, the deep well, and various and sundry Indian inscriptions and

WHEREAS, said cavern has been opened, stairways and walkways and electric lights have recently been installed and same is now open to the public and if called to the attention of the nation this place of natural beauty would draw thousands of tourists through Alabama annually and

WHEREAS, surfaced roads lead to this cavern from all metropolitan centers of our state and hotel facilities are available in the territory immediately adjacent to said cave and

WHEREAS, said cave is located only seventeen miles from Shocco Springs, a beautiful summer resort, with all modern conveniences and different kinds of mineral water, where tourists from many states and foreign countries assemble in the summer months.

THEREFORE, BE IT RESOLVED by the Senate of Alabama the House concurring that the Department of Geological Survey and the other departments of the State of Alabama and the newspapers and periodicals interested in the welfare of the State are hereby requested to call the attention of the nation to said Kymulga Cave and Shocco Springs by publication of these facts to the end that the nation may be advised of the beauties within the boundaries of our State.

Approved May 28, 1931.

Passed Over Governor's Veto) (H. 521—Taylor.

AN ACT

To Authorize Cities And Towns In This State Having A Population Of More Than Sixty-Seven Thousand And Under One Hundred Fifty Thousand People According To The Last Or Any Subsequent Federal Census To Impose, Fix and Require The Payment Of A License Tax Upon Dealers Engaged In Selling Non-Intoxicating Malt Extract To Consumers And To Authorize Such Cities To Require Sworn Reports Of The Amount Of Their Sales By All Such Dealers And To Prohibit The Engaging In Business By Such Dealers Without The Payment Of Such License And To Fix And Prescribe Fines And Penalties For Doing Business As Such Dealers Without The Payment Of Such License And/Or For Failure To Make And File Such Reports And Provide To What Purpose The Net Proceeds Of All Such License Taxes Shall Be Devoted.

Be it Enacted by the Legislature of Alabama as follows:

Section 1. That all cities in this state having a population of more than sixty-seven thousand and under one hundred and fifty thousand people according to the last or any subsequent federal census shall be and they are hereby authorized to impose, fix and prescribe a license tax upon dealers engaged in selling non-intoxicating malt extract to consumers, up to but not exceeding thirty percent of the gross price at which such non-intoxicating malt extract shall be sold by such dealers and to require all such dealers to make and file with every such city, at regular intervals to be fixed by ordinance or ordinances, sworn reports showing the amount of sales of non-intoxicating malt extract made by all such dealers and

to fix and prescribe fines and penalties for failure to take out and pay for such license or for doing business without the payment of such license and/or for failure to make and file such reports.

Section 2. That the entire net proceeds of all such license taxes shall be devoted by every such city to the payment of the policemen and firemen employed by such city.

Section 3. That if any section or provision of this Act shall be held invalid such holding shall not affect nor invalidate any other section or provision hereof which is not in itself invalid.

Section 4. That this Act shall go into force and effect from and after its passage and approval.

Passed over the Governor's Veto May 29, 1931.

No. 225) (H. 437—Taylor.

AN ACT

To authorize the courts of County Commissioners, Boards of Revenue and Road Commissioners, or other governing bodies of like jurisdiction in all counties which now have or hereafter may have a population of not less than 105,000 and not more than 300,000 according to the last or any succeeding Federal Census, to establish and designate in all State and County elections, general, primary and special one or more voting places in all election precincts outside of the incorporated limits of each incorporated city or town in said Counties, when it is deemed necessary for the convenience of the voters therein, and one voting place in each election ward in any incorporated city or town in said counties, and to authorize the Board of Commissioners of each incorporated city or other governing body of like jurisdiction of any city or town, to establish and designate a voting place in each ward in said city or town at which the qualified voters in such wards shall cast their ballots, and to require the Probate Judge of such counties to separate the list of qualified voters voting in those wards or districts that lie within the city limits or that are commonly known and considered as city wards or districts in groups in alphabetical order so that no group shall contain more than three hundred qualified voters, and in each State and County election to establish a voting place in each city ward, and to require the probate judge in such counties to furnish the election managers of city wards or districts a list of qualified voters in groups as herein provided, and to provide for the method of payment to the probate judge for the furnishing of said lists, and to require voters in city wards or districts in all elections to vote in the voting places assigned to them in alphabetical groups, and to require the legally constituted Boards or Committees by whatever name called authorized and empowered by law to appoint election officials to appoint sets of election officials for each group of three hundred qualified voters arranged alphabetically.

Be it Enacted by the Legislature of Alabama:

Section 1. That the courts of county commissioners or boards of revenue and road commissioners, or other governing bodies of like jurisdiction in all counties which now have or here-

after may have a population of not less than 105,000 and not more than 300,000 according to the last or any succeeding Federal Census must establish and designate in all State and County elections, general, primary and special, one voting place in each ward in all incorporated cities or towns within said county, and one or more voting places in each election precinct in each county outside the boundaries of said incorporated cities or towns when it is deemed necessary for the convenience of the voters to establish and designate more than one voting place in such County precinct, but no change or designation shall be made within thirty days of any election held in said counties.

Section 2. That the Board of Commissioners of each incorporated city, or other governing body of like jurisdiction of any city or town, in said counties must designate in all municipal elections one voting place in each ward of such incorporated city or town within such counties. No change or designation shall be made within thirty days of any election held in such city or town.

Section 3. The Probate Judge of said counties shall separate the list of qualified registered voters in said wards or districts that lie within the said limits of each incorporated city or town or that are commonly known and considered as city wards or districts as shown by the lists on file in the office of the Judge of Probate in said counties, into groups of not more than three hundred qualified registered voters in alphabetical order.

Section 4. Qualified registered voters voting in wards or districts designated by the next preceding section shall cast their votes at the respective voting places designated under the provisions of this act, in the alphabetical group as provided in this act in the voting booth assigned to his or her respective alphabetical group, and no other, but nothing in this act shall be construed to mean that voters voting in what are commonly known as county precincts or districts in said conuties shall be separated into alphabetical groups or required to vote in such alphabetical units.

Section 5. That said courts of county commissioners, boards of revenue and road commissioners or other governing bodies of like jurisdiction of said counties in all state and county elections, general, primary and special, shall designate the place where the qualified voters at any such election shall cast their ballots, and the Board of Commissioners, or other governing bodies of like jurisdiction in each incorporated city or town in said counties, shall designate in any municipal election the place at which qualified voters at such elections in said city or town shall cast their ballots. Provided, however, that the places so designated shall be located as near the center of the ward or precinct or district as practicable.

Section 6. Each group of three hundred registered voters in each city ward shall be provided with a separate voting booth in

said designated voting place and said booth shall be properly marked and designated by the erection of sign indicating the alphabetical group that is entitled to vote in each respective box in said booth. The intention hereof being to clearly indicate to the registered voters of said ward at which box in said booth they shall be entitled to cast their votes, and the necessary number of ballot boxes at the voting place designated by the authorities provided in this act shall likewise be provided so that there shall be a sufficient number of boxes to accommodate any alphabetical group of three hundred registered voters. It being the intention of this provision to provide that each box shall contain not more than three hundred votes and that the votes shall be cast in said boxes according to the alphabetical groups designated in said voting place, and the legally constituted boards or committees by whatever name called, authorized and provided by law to appoint election officials for general, and/or primary, and/or special, and/or municipal elections shall appoint the necessary number of election officers for each group of three hundred voters as provided in this act, as well as for county precincts or districts in the manner now prescribed by law for the appointment of such election official for wards, districts or precincts so that there shall be provided for each box in each separate voting booth three inspectors, two clerks and a returning officer.

Section 7. The probate judge in said counties are hereby required to furnish election managers in all wards or districts that lie within the city limits of any incorporated city or town or that are commonly known and considered as city wards or districts a list of qualified voters in alphabetical groups of three hundred as herein provided for all elections, primary, special, general or municipal, and said probate judge of said counties shall be paid as now provided by law for furnishing of said lists of qualified voters.

Section 8. When the courts of county commissioners, boards of revenue and road commissioners or other governing bodies of like jurisdiction in each incorporated town shall have established places of voting as required under this act, no other election district or ward shall be created or made until an order is made and entered upon the minutes of such courts or boards abrogating or rescinding their action establishing places of voting as herein provided, but no such order shall be made within less than sixty days before any primary, general, special or municipal election.

Section 9. That all laws or parts of laws, general, or special in conflict with the provisions of this act are hereby repealed.

Section 10. This act shall become effective on its passage and approval as provided by law.

Approved May 28, 1931.

No. 227) (H. 492—McElderry.

AN ACT

To re-create "The State Training School for Girls," a correctional and educational institution for delinquent white girls, to provide for a Board of Trustees to direct such institution, to prescribe the duties and functions of such Board, and to provide for their compensation; to provide for an Executive Committee of such Board and to prescribe their duties, functions and powers; to provide for the officers and employees of such institution, their manner of selection and removal and prescribe their qualifications, to provide for the tenure of office of its officers and employees, the powers, functions and duties of such employees and to provide for their compensation; to prescribe who may be admitted and cared for as inmates of such institution, the manner of their committal thereto, the education, training and correction to be given the inmates; to prescribe the duties of the State Department of Child Welfare and the State Department of Education in relation to such institution; to provide an appropriation for its maintenance; and to repeal all laws and parts of laws in conflict herewith.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby established by the Legislature of Alabama a correctional and educational institution under the name and style of "The State Training School for Girls," for delinquent white girls as hereinafter specified. Nothing in this chapter contained shall be construed to classify this school as a penal institution.

Section 2. THE BOARD OF TRUSTEES AND ITS POWERS AND DUTIES. (1) The State Training School for Girls shall be under the control and management of a Board of Trustees consisting of the Governor, ex-officio Chairman, and twelve (12) members, one-half of whom shall be women, such members to be appointed by the Governor and confirmed by the Senate upon the passage of this Act as follows: One member from each Congressional District of the State, as the State is divided into nine Congressional Districts by an Act approved February 25, 1931, and three other members from Jefferson County. The terms of office of all members, except ex-officio members, beginning from the date of their appointment shall be respectively: Four for a term of two (2) years; Four for a term of Four (4) years and four for a term of Six (6) years from the date of the appointment and until their successors are appointed and qualified, the said terms of office to be designated to each appointee by the Governor when making the appointment. All succeeding appointees shall be appointed by the Governor and confirmed by the Senate, one from each Congressional District as the State is divided into nine Congressional Districts by Act approved February 25, 1931, and three additional from Jefferson County, and shall hold office for a term of six (6) years and until their successors are appointed and qualified. (2) The Board of Trustees shall perform such duties as are or may

hereafter be prescribed by law and shall be vested with all the powers and functions now existing in the Board of Trustees of the State Training School for Girls not in conflict with this Act. (3) The Governor of Alabama shall be Chairman of the Board of Trustees. (4) There shall be an Executive Committee of the Board of Trustees, which Committee shall be composed of the four members of the Board of Trustees from Jefferson County, who shall perform such duties as may be imposed by the Board or may be prescribed by law. (5) The Board of Trustees shall meet at least twice annually on the call of the Governor or the call of a majority of the members of the Board, and may hold as many special meetings as it may deem necessary; a majority of the Board shall constitute a quorum for the transaction of business. (6) The Board shall prepare and keep minutes of its meetings. (7) The Board of Trustees shall select one of their number as Secretary. (8) The Board of Trustees shall select as Treasurer of the Institution either some Bank or some individual. (9) The Board of Trustees is empowered to adopt rules for its government and rules and regulations governing the control and management of the institution, its employees and inmates provided such rules and regulations do not conflict with provisions of law, for the employment and discharge of the officers and employees of the institution and all such rules and regulations shall be spread upon the minutes of said Board. (10) The Board shall have supervision of the land and buildings of the school; they shall take charge of the general interests of the institutions; they shall see that its affairs are conducted according to law and to such rules and regulations as the Board may have adopted, or may hereafter adopt, and that discipline is maintained in the institution. They shall exercise a vigilant supervision over the institution, its officers, and inmates, and prescribe the duties of the officers not inconsistent with the provisions of law. (11) The Board is empowered to elect a Superintendent of the institution in accordance with the provisions of this Act and to fix her compensation. (12) The Board is empowered to control and direct the expenditure of all appropriations or other funds which may be made for the maintenance and activities of the institution and to do and perform such other acts and things as may be necessary to carry out the true intents and purposes of this Act. (13) The Board of Trustees shall make annual reports to the Governor showing receipts and expenditures and such other information as to the condition of the institution and results obtained as may in its judgment be of interest and use to the public. (14) The members of the Board shall receive no compensation for their services other than the amount of their traveling and other expenses actually paid out while in attendance on the meetings of the Board or on the business of the institution. (15) The Executive Committee composed of the four members

of the board from Jefferson County shall constitute the Parole Board and shall have full and complete power to grant paroles and discharges. The executive committee shall hold monthly meetings and do and perform such duties as may be delegated to it by the Board of Trustees at any regular meeting. The Board is hereby empowered to delegate to the executive committee such powers as it may desire.

Section 3. THE SUPERINTENDENT AND OTHER EMPLOYEES. (1) The Board of Trustees shall elect a Superintendent who shall be a woman to hold office at its pleasure and shall fix her compensation. Such Superintendent shall be a woman peculiarly fitted by education, training and experience in social work to fill suitably the position. No person shall be employed as Superintendent unless such person holds a college degree or its equivalent and in addition has had training and experience in social case work and institution management. (2) A licensed physician and registered nurse shall be regularly employed for the care of the health of the inmates. (3) The qualifications of the teachers shall be identical with teachers giving similar types of instruction in standard public schools. (4) The Superintendent shall nominate all officers and employees to fill vacancies to the Board according to the qualifications prescribed by the Board. (5) The Superintendent and any other officer may be removed at the pleasure of the Board. (6) It shall be the duty of the Superintendent to serve as Executive Officer of the Institution and the Superintendent shall have general charge and custody of the inmates thereof and of the management of the Institution. The Superintendent shall reside in the School and under the direction of the Trustees, shall discipline, govern, instruct and use her best endeavor to educate the inmates in such manner as shall, while preserving their health and promoting their proper physical development, foster the formation of moral, religious and industrious habits, and shall promote regular and thorough progress and improvement in their studies, trades, and employments. (7) The Superintendent shall have charge of all the property of the institution under the direction of the Trustees. She shall keep accounts of all receipts and expenditures and of all property intrusted to her showing the income and the expenses of the institution and shall account to the Trustees in such manner as they may require for all money received and disbursed by her. Her books and all documents relative to the school shall at all times be open to the inspection of the Trustees. (8) The Superintendent shall keep a case record concerning the name, age, and circumstances connected with the previous history of each girl and shall add facts concerning the character, conduct, training and education of such girls while at the institution and after leaving it if the girl goes under parole.

Section 4. ADMISSION. (1) The intent and purpose of the State Training School for Girls is the reclamation and training of delinquent white girls in the State of Alabama. No girl shall be admitted to the Institution except by commitment of the Juvenile Court of the County in which she resides, or in which she is found, or by commitment of a Court in such county having jurisdiction of children, unless the Court finds the girl delinquent under the meaning of the words, "delinquent child" as defined in the Juvenile Court Law of this State and declared her a ward of the State. No court shall commit such girl until the court has received and filed a petition showing cause why a hearing should be given. Before commitment is made the court shall cause his probation officer, or the county child welfare superintendent, or, if there be neither, a special agent appointed by the court, to investigate the history of the girl's family life and all circumstances surrounding her. (2) A certified copy of the record of the findings of the court shall be forwarded to the institution with the court's commitment. The hearing of any case brought on petition of complaint shall not preclude appeal to a higher court as provided in the juvenile court law or the general laws of the State.

Section 5. AGE. No girl under the age of twelve (12) years or over the age of eighteen (18) years shall be committed to the State Training School for Girls.

Section 6. CUSTODY AND TIME OF STAY IN THE SCHOOL. (1) When a girl is committed to the State Training School for Girls, the Institution shall stand in **loco parentis** to such girl and shall have the exclusive care, custody and control of the child under such rules and regulations as the Board of Trustees may provide. (2) All girls admitted to the State Training School for Girls may be kept there, disciplined, instructed, and trained under the direction of the Board of Trustees until they become twenty-one (21) years of age or are legally discharged, paroled, or transferred.

Section 7. DISCHARGE, PAROLE, TRANSFER AND ESCAPES. (1) The Parole Board may grant an honorable discharge or parole to any girl in their custody who, in their opinion is ready for discharge or parole. The Superintendent may make recommendations to the Parole Board for the discharge or parole of any girl whom she deems worthy and entitled to same. Before making such recommendation the Superintendent must show that a satisfactory investigation has been made of the home, place or persons to whom the girl to be discharged or paroled is to be sent. (2) Whenever a girl is discharged or paroled the court of commitment shall be so notified in writing. Any girl paroled from the institution who fails to meet the conditions of her parole shall be returned to the School without warrant for her arrest. From the time a girl is received in the institution, the Superin-

tendent and other officers shall, through the county child welfare superintendent, probation officer, or other agency in the county of the girl's residence, seek the cooperation of the local agencies in making family and community conditions fit for the girl's safe return to her home. (3) The Superintendent of the School may petition the Partlow School for Mental Inferiors to receive any girl who is mentally incapable of profiting by the training of the State Training School for Girls and who would be benefited by such transfer, when such girl has been examined and declared mentally inferior by a reputable physician, psychologist, or psychiatrist trained in making such mental examination. (4) Any person who assists or connives at the escape of a girl or girls from the school shall be guilty of a misdemeanor and punishable by law.

Section 8. PUNISHMENT. Corporal Punishment shall not be permitted and only such punishment shall be permitted as shall be prescribed by the Board of Trustees. Any officer who inflicts or permits to be inflicted inhumane treatment or punishment shall be removed by the Board of Trustees. Strict discipline must be maintained but emphasis shall not be placed upon punishment as such, but rather on reclamation through establishing the girl's self-respect, self-discipline, and self-control.

Section 9. CLASSIFICATION. (1) It shall be the duty of the Superintendent of the School to make a careful classification of the girls admitted, according to their age, character and ability, or in any other such manner as will promote the happiness and reclamation of the group. (2) Girls having contagious or infectious diseases shall be separated and isolated for treatment and in such way as to protect their health and that of the entire group.

Section 10. EDUCATION. The State Superintendent of Education shall prepare, or cause to be prepared, courses of study including regular or special courses in vocational education suited to the age and capacity of the inmates. These courses shall include extra-curricula activities. It shall be the duty of the State Superintendent of Education to prepare, or to cause to be prepared, and to submit to the Board of Trustees such courses of study before the beginning of each scholastic year and to supervise the instruction of the institution as is done in other public schools, and to make report to the Governor and to the Board of Trustees annually.

Section 11. STATE CHILD WELFARE DEPARTMENT. (1) It is hereby made the duty of the State Child Welfare Department to visit the State Training School for Girls from time to time, advise the institution officers and workers in regard to approved methods of child care, best types of housing and institution equipment and adequate records. It is hereby made the duty of the Superintendent to make regular reports to the Child Welfare Department upon such forms as the Department may furnish, which reports shall show the admissions and discharges and such

social data as the Department may require. The Department shall make a written report of its inspections and findings to the Governor and Board of Trustees.

Section 12. TRANSPORTATION. It shall be the duty of each county, when a girl is committed to the State Training School for Girls from such county, to pay any and all expenses incident to removing such girl from the county to the institution.

Section 13. SUPPLIES. The purchase of supplies for said institution shall be made through the State Board of Administration as now provided for by law for the purchase of supplies of other agencies of state government.

Section 14. APPROPRIATIONS. The present per capita appropriation at the rate of $330.00 per year shall be in full force and effect until October 1, 1931. On and after October 1, 1931, in addition to appropriations for grounds and buildings which have been made heretofore or which may be made hereafter, there is hereby appropriated for the maintenance of the institution, including the payment of salaries and all expenses, the sum of fifty thousand dollars ($50,000.00) annually or so much thereof as in the opinion of the Governor may be necessary.

Section 15. APPROPRIATIONS PAID QUARTERLY. Upon requisition by the Superintendent of the State Training School for Girls and upon the approval of the Governor, the State Auditor is hereby authorized and directed to draw his warrant on the State Treasury in favor of the Treasurer of the State Training School for Girls quarterly in the sum of Twelve Thousand Five Hundred Dollars ($12,500.00) for carrying out the provisions of this act as hereinbefore set out.

Section 16. The Superintendent and the Treasurer of the Board of Trustees herein provided for shall, before entering upon their duties, execute bond payable to the State of Alabama with good and sufficient sureties in such sums as may be fixed by the Board of Trustees.

Section 17. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 18. This Act shall take effect immediately upon being signed by the Governor.

Approved May 29, 1931.

No. 228.) (H. 340—West.

AN ACT

To permit Commissioners Courts, County Commissioners, Boards of Revenue or like governing bodies in all counties in this State to use convict labor and any county equipment or machinery or to expend any sums of money

necessary for the improvement, beautification or decoration of the grounds, campus or premises of any school or schools under the control of Boards of Education in such counties.

Be it Enacted by the Legislature of Alabama:

Section 1. That after the passage and approval of this Act Commissioners Courts, County Commissions, Boards of Revenue or like governing bodies in all counties in this State may use convict labor and any County equipment or machinery or may expend any necessary sum of money for the improvement, beautification or decoration of the grounds, campus or premises of any County school or schools under the control of Boards of Education in such Counties.

Approved June 6, 1931.

No. 230.) (H. 438—West.

AN ACT

To authorize the City School Board, or City Board of Education, by whatever name called, in all cities of this State having a population of more than one hundred thousand, according to the last or any succeeding Federal census, to make rules and regulations for the retirement of teachers in the public schools, in such respective cities, on pension, or retirement allowance, and to enter into such contracts as such Board may deem proper or necessary in relation thereto, and to use and expend regular school funds as it may deem necessary or proper, in the carrying out of any such rules, regulations or contracts, and to repeal all acts, and parts of acts, in conflict with the provisions of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. That the City School Board, or City Board of Education, by whatever name called, in all cities of this State having a population of more than one hundred thousand, according to the last or any succeeding Federal census, is hereby authorized to make such rules and regulations for the retirement of teachers in the public schools of such cities, respectively, on pension or retirement allowance as it may deem proper, and to enter into any and all such contracts with relation thereto, or to effect the same as it may deem necessary or proper, and may utilize and expend regular school funds as it may deem necessary or proper in carrying out, and making effective such rules, regulations or contracts.

Section 2. That all acts and parts of acts in conflict with the provisions of this act be, and the same hereby are repealed.

Approved June 4, 1931.

No. 231.) (H. 439—West.

AN ACT

To repeal an Act approved September 10th, 1927, and entitled, "An Act to authorize the City School Board or City Board of Education, or by whatever name called, in all cities of this State having a population of more than one hundred thousand according to the last or any succeeding Federal census, to make rules and regulations for the retirement of teachers on part pay, to fix the maximum amount of such pension, and to prescribe the minimum length of service as a teacher in order to be eligible for such pension, and to provide for the payment of such pension out of the public school funds."

Be it Enacted by the Legislature of Alabama:

Section 1. That an Act approved September 10th, 1927, and entitled, "An Act to authorize the City School Board or City Board of Education, or by whatever name called, in all cities of this State having a population of more than one hundred thousand according to the last or any succeeding Federal census, to make rules and regulations for the retirement of teachers on part pay, to fix the maximum amount of such pension, and to prescribe the minimum length of service as a teacher in order to be eligible for such pension, and to provide for the payment of such pension out of the public school funds," be, and the same hereby is repealed.

Approved June 4, 1931.

No. 232.) (H. 517—Black of Marshall.

AN ACT

To Amend Section 130, Article VI of the Alabama School Code of 1927.

Be it Enacted by the Legislature of Alabama:

Section 1: That Section 130, Article VI of the Alabama School Code of 1927, be amended so as to read as follows: "130. FUNDS MAY BE BORROWED TO PAY TEACHERS:— The County Board of Education shall have authority, upon the recommendation of the County Superintendent of Education, to borrow money on the credit of the school fund of the County, to meet salaries of teachers and current expenses, when the current funds on hand are not sufficient to meet the same, and as security therefor, to pledge the current revenues of the current school year. It shall be the duty of the County Board of Education and the County Superintendent of Education to secure such a loan, if practicable, when the current funds on hand are not sufficient promptly to pay teachers' salaries and current expenses. All such current loans, except such as are based on County and District local tax proceeds,

shall be payable and paid not later than January 1 next after the end of the current school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year. Provided, however, that the County Board of Education may borrow money for said purposes, and pledge as security therefor, issued State Warrants, and any such loan may be made to mature either during the school year in which it is negotiated, or after the expiration of such school year, at the discretion of the County Board of Education. The amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding school year."

Section 2. All laws and parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed.

Approved June 4, 1931.

No. 240.) (S. 104—Shepherd.

AN ACT

To provide for the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto, and to repeal Sections 8120. 8121, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, of the Code of Alabama, 1923, and an Act entitled "An Act to provide for the commitment of veterans of any war, military occupation or expedition, who are of unsound mind, to a United States Veterans' Bureau hospital for restraint, care and treatment," approved September 6, 1927, and all other laws or parts of laws inconsistent with this act.

Be it Enacted by the Legislature of Alabama:

Section 1. As used in this Act: The term "person" includes a partnership, corporation or an association. The term "Bureau" means the United States Veterans' Bureau or its successor. The term "estate" and "income" shall include only moneys received by the guardian from the Bureau and all earnings, interest and profits derived therefrom. The term "benefits" shall mean all moneys payable by the United States through the Bureau. The term "Director" means the Director of the United States Veterans' Bureau or his successor. The term "ward" means a beneficiary of the Bureau. The term "guardian" as used herein shall mean any person acting as a fiduciary for a ward.

Section 2. Whenever, pursuant to any law of the United States or regulations of the Bureau, the Director requires, prior to payment of benefits, that a guardian be appointed for a ward, such appointment shall be made in the manner hereinafter provided.

Section 3. Except as hereinafter provided it shall be unlawful for any person to accept appointment as guardian of any ward if

such proposed guardian shall at that time be acting as guardian for five wards. In any case, upon presentation of a petition by an attorney of the Bureau under this Section alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge such guardian in said case. The limitations of this section shall not apply where the guardian is a Bank or Trust Company acting for the wards' estates only. An individual may be guardian of more than five wards if they are all members of the same family.

Section 4. A petition for the appointment of a guardian may be filed in any court of competent jurisdiction by or on behalf of any persons who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such a petition within thirty days after mailing of notice by the Bureau to the last known address of such person indicating the necessity for the same, a petition for such appointment may be filed in any court of competent jurisdiction by or on behalf of any responsible person residing in this state. The petition for appointment shall set forth the name, age, place of residence of the ward, the names and places of residence of the nearest relative, if known, and the fact that such ward is entitled to receive moneys payable by or through the Bureau and shall set forth the amount of moneys then due and the amount of probable future payments. The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward. In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent on examination by the Bureau in accordance with the laws and regulations governing the Bureau.

Section 5. Where a petition if filed for the appointment of a guardian of a minor ward a certificate of the Director, or his representative, setting forth the age of such minor as shown by the records of the Bureau and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the Bureau, shall be prima facie evidence of the necessity for such appointment.

Section 6. Where a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the Director, or his representative, setting forth the fact that such person has been rated incompetent by the Bureau on examination in accordance with the laws and regulations governing such Bureau; and that the appointment of a guardian is a condition precedent to the payment of any moneys due such persons by the Bureau, shall be prima facie evidence of the necessity for such appointment.

Section 7. Upon the filing of a petition for the appointment of a guardian under the provisions of this act, the court shall cause such notice to be given as provided by law.

Section 8. Before making an appointment under the provisions of this act the court shall be satisfied that the guardian whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file a bond to be approved by the court in an amount not less than the sum then due and estimated to become payable during the ensuing year. The said bond shall be in the form and be conditioned as required of guardians appointed under the guardianship laws of this State. The court shall have power from time to time to require the guardian to file an additional bond. Where a bond is tendered by a guardian with personal sureties, such sureties shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and that they are each worth the sum named in the bond as the penalty thereof over and above all their debts, and liabilities, and exclusive of property exempt from execution.

Section 9. Every guardian, who shall receive on account of his ward any moneys from the Bureau, shall file with the court annually, on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, a true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof, in his hands at the date of such account and how invested. A certified copy of each of such accounts filed with the court shall be sent by the guardian to the office of the Bureau having jurisdiction over the area in which such court is located. The court shall fix a time and place for the hearing on such account not less than fifteen days nor more than thirty days from the date of filing same and notice thereof shall be given by the court to the aforesaid Bureau office not less than fifteen days prior to the date fixed for the hearing. Notice of such hearing shall in like manner be given to the guardian.

Section 10. If any guardian shall fail to file any account of the moneys received by him from the Bureau on account of his ward within thirty days after such account is required by either the court or the Bureau, or shall fail to furnish the Bureau a copy of his accounts as required by this act, such failure shall be grounds for removal.

Section 11. Compensation payable to guardian shall not exceed five percent of the income of the ward during any year. In the event of extraordinary services rendered by such guardians the court may, upon petition and after hearing thereon, authorize additional compensation therefor payable from the estate of the ward. Notice of such petition and hearing shall be given the proper office

of the Bureau in the manner provided in Section 9. No compensation shall be allowed on the corpus of an estate received from a preceding guardian. The guardian may be allowed from the estate of his ward reasonable premiums paid by him to any corporate surety upon his bond.

Section 12. Every guardian shall invest the funds of the estate in such manner or in such securities, in which the guardian has no interest, as allowed by law.

Section 13. A guardian shall not apply any portion of the estate of his ward for the support and maintenance of any person other than his ward, except upon order of the court after a hearing, notice of which has been given the proper office of the Bureau in the manner provided in Section 9.

Section 14. Whenever a copy of any public record is required by the Bureau to be used in determining the eligibility of any person to participate in benefits made available by such Bureau, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the representative of such Bureau with a certified copy of such record.

Section 15. Whenever it appears that an incompetent veteran of any war, military occupation or expedition is eligible for treatment in a United States Veterans' Hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the courts of this state are hereby authorized to communicate with the Bureau with reference to available facilities and eligibility and upon receipt of a certificate from the Bureau stating that there are facilities available in a United States Veterans' Hospital and that the veteran is entitled to hospitalization therein, the court may then direct such veteran's commitment to such United States Veterans' Hospital. Thereafter such veteran upon admission shall be subject to the rules and regulations of such hospital and the officials of such hospital shall be vested with the same powers now exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention of custody of the veteran so committed. Notice of such pending proceedings shall be furnished the person so committed and his right to appear and defend shall not be denied.

Section 16. When a minor ward for whom a guardian has been appointed shall have attained his majority and has not been found incompetent, and when any incompetent ward has been rated competent by the Bureau, a certificate of the Director, or his duly authorized representative, to that effect shall be prima facie evidence that a guardian is no longer required, and the court, upon the guardian filing a satisfactory final account, may discharge such guardian upon a petition filed for that purpose. Nothing herein contained shall be construed to prevent a ward from filing a peti-

tion for the discharge of his guardian on the ground that the ward has attained majority or is competent, or the court from acting on its own motion in such cases.

Section 17. This act shall be construed liberally to secure the beneficial intents and purposes thereof and shall apply only to beneficiaries of the Bureau.

Section 18. This Act may be cited as the "Uniform Veterans' Guardianship Act."

Section 19. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 20. The invalidity of any portion of this Act shall not effect the validity of any other portions thereof which can be given effect without such invalid part.

Section 21. The following sections of the Code of Alabama, 1923 are hereby repealed, namely, Sections 8120, 8121, 8122, 8123, 8124, 8125, 8126, 8127, 8128, 8129, 8130, 8131, 8132, 8133, 8134, and an act entitled "An Act to provide for the commitment of veterans of any war, military occupation or expedition, who are of unsound mind, to a United States Veterans' Bureau hospital for restraint, care and treatment" approved September 6, 1927, and all other laws or parts of laws relating to beneficiaries of the Bureau inconsistent with this Act are hereby repealed.

Section 22. All guardians of Bureau beneficiaries appointed as such pursuant to the provisions of Sections 8120, 8121, 8122, 8123, 8124 of the Code of Alabama, 1923, prior to the approval of this act, shall hereafter manage and administer the estates of such beneficiaries in accordance with this Act.

Section 23. This act shall take effect upon its approval by the Governor.

Approved June 6, 1931.

No. 241.) (S. 85—Powell.

AN ACT

To amend Sections 2, 6, 10, 11 and 21 of An Act Entitled, "An Act To Provide For The Organization, Regulation and Government Of The State Bar Including Admissions and Disbarments of Lawyers," Approved August 9, 1923.

Be it Enacted by the Legislature of Alabama:

That Sections 2, 6, 10, 11 and 21 of the Act entitled, "An Act to Provide for the Organization, Regulation and Government of the State Bar including Admissions and Disbarments of Lawyers," Approved August 9, 1923, be and they are severally hereby amended to read as follows:

Section 2. SELECTION OF COMMISSIONERS. The Board of Commissioners shall be selected by the members of the State Bar, who shall vote by ballot. Each Judicial Circuit of the State of Alabama shall be entitled to a commissioner on said Board of Commissioners, and no judicial circuit shall have more than one Commissioner, provided, however that nothing contained in this Act shall prohibit the election of a President of the State Bar as hereinafter in this Act provided for at an annual meeting of the State Bar, who shall be a bona fide resident of any judicial circuit of this State, and who shall be ex-officio President of the Board of Commissioners in case he is not already a member of said Board. If hereafter additional judicial circuits are constituted, such additional circuits shall be entitled to a Commissioner on said Board. The ballots shall be deposited in person or by mail with the Secretary of the Board or such other officer as it may designate. There shall be an annual election for the purpose of selecting successors to the Commissioners whose terms expire. The Board shall prescribe rules and regulations in regard to such annual elections not in conflict with the provisions of this Act. The Board shall in accordance with its rules, give at least sixty days' notice of the time for holding the election each year. In the first election, and in all elections thereafter, the Commissioners for the respective judicial circuits shall be elected by the members of the Bar of the respective circuits, voting by ballot in the annual election hereinabove provided for. Commencing in the year 1931, and in each year thereafter, the annual election herein provided for shall be held on the 1st. Tuesday in June of each year and continue for one week. The term of each Commissioner shall be three years from July 1st. following his election, but the Commissioners elected in the years 1931, 1932 and 1933 shall respectively take office upon the expiration of the term of their respective predecessors and hold office respectively until July 1st. of the years 1934, 1935 and 1936, respectively, but the term of no Commissioner heretofore elected shall be affected hereby and each such Commissioner heretofore elected shall fill out his said term.

Section 6. AUTHORITY CONFERRED. The Board of Commissioners shall have power: (a) To determine, by rules, the qualifications and requirements for admission to the practice of law. (b) To conduct, through a board of examiners, hereinafter provided for, the examination of applicants; and such board of examiners shall certify to the Supreme Court the names of the applicants found to be qualified. Such certifications shall entitle such persons to be enrolled in the Bar of the State and to practice law, provided the fees hereafter required are paid. (c) Subject to the approval of the Supreme Court, to formulate rules governing the conduct of all persons admitted to practice, and to investigate, or cause to be investigated, and to pass upon, all complaints that

may be made concerning the professional conduct of any person who has been, or may hereafter be, admitted to the practice of the law. (d) Subject to the approval of the Supreme Court, to formulate rules governing the re-instatement of members of the Bar who have been disbarred, and to pass upon all petitions for re-instatement. (e) To appoint one or more committees from the membership of the Board, or from the membership of the entire Bar, or partly from one and partly from the other, to take evidence in connection with any complaint filed against an attorney and forward the same to the Board. In all cases, testimony with reference to such charges shall be taken at the Court House of the County of the residence of the party charged, provided the evidence of witnesses residing outside of such county may be taken in the same manner as provided by law for the taking of depositions in civil cases. The State Solicitor of the circuit in which such accused attorney resides shall prosecute any such charge or case, interrogate the witnesses, introduce the evidence in support of such charges, and, when requested by any member of the Board, argue the cause before the Board. The Board shall administer such discipline, by public or private reprimand, suspension from the practice of law, or exclusion and disbarment therefrom, as the case shall, in their judgment, warrant. A majority of the Board shall constitute a quorum and the majority of those present (if a quorum be present) shall be empowered to act as and for the entire Board. The Supreme Court may, and on petition of the party aggrieved must, in any case of suspension or disbarment from practice, review the action of the Board, and may, on its own motion, and without the certification of any record, inquire into the merits of the case and take any action agreeable to their judgment. Rules regulating the manner of such review and providing for the certification of the evidence, or if the Supreme Court desire, the taking of additional evidence, shall be promulgated by said Board and become effective upon approval by the Supreme Court. (f) To make rules and by-laws not in conflict with any of the terms of this Act concerning the selection and tenure of its officers and committees and their powers and duties, and generally for the control and regulation of the business of the Board and of the State Bar. (g) To hold and conduct educational and social meetings and activities among the members of the Bar, to publish journals and generally to do such things as in their judgment may tend to improve the educational and ethical standing of Bench and Bar. (h) Should any vacancies occur on said Board, to fill such vacancies by appointment of a member of the State Bar from the judicial circuit in which said vacancy exists and such appointee shall hold for the time of the unexpired term or pending the election of his successor. (i) To establish circuit or branch associations of the State Bar and if circuit associations are established, the member of the

Board from said circuit shall be ex-officio the President of such circuit association. Said circuit or branch association shall have no authority to suspend or disbar attorneys and in all matters shall be subordinate to the authority of the Board. If any member of said Board is a party to the preferment of charges for disbarment or suspension of any lawyer, or there exists as against any member of such Board any cause provided by law for the disqualifications of judges or jurors in civil or criminal cases, such member shall be disqualified from sitting as a member of said Board in the hearing of such charges. Said Board shall have no authority, nor shall it in any way undertake, to regulate the fees or charges of lawyers for the rendition of their professional services.

Section 10. All applicants for admission to the Bar shall pay a fee of ten dollars to the State Treasurer, which shall become a part of the separate fund in Section 11 hereof provided for, and file the Treasurer's receipt therefor with their applications.

Section 11. LICENSE FEE. Every member of the State Bar shall, prior to the first day of October in each year in the same manner as required by law for the payment of license fees, pay into the State Treasury as a license fee the sum of Ten Dollars ($10.00), Five Dollars ($5.00) of which shall remain in the State Treasury as part of the General Fund and Five Dollars ($5.00) of which, together with the fees paid by applicants for admission, shall constitute a separate fund to be disbursed by the State Treasurer on the order of the Board of Commissioners. The said fund shall be paid out by the Treasurer as heretofore, or if directed by said Board, on receipt of a voucher therefor and a copy of the order of the Board of Commissioners, directing the payment of such fund to the signer of said receipt. As soon after the first day in November in each year as practicable, the State Treasurer shall certify to the Secretary of the Board of Commissioners the names of attorneys who have paid such license fee, and no attorneys who are in default in the payment of such fee shall be recognized in the courts of Alabama or in the voting or transaction of business by the State Bar as being in good standing until they have paid the required license fee. Provided that no lawyer shall be required to pay a license until the first day of October following the expiration of two years from his admission to the Bar.

Section 21. UNLAWFUL PRACTICE OF LAW. If any person shall, without having become duly licensed to practice, of whose license to practice shall have expired either by disbarment, failure to pay his license fee within thirty days after the day it becomes due, or otherwise, practice or assume to act or hold himself out to the public as a person qualified to practice or carry on the calling of a lawyer, he shall be fined not to exceed Five Hundred Dollars, or be imprisoned for a period not to exceed six months, or both.

Approved June 6, 1931.

No. 242.) (H. 349—Goodwyn.

AN ACT

To amend Section 15 of an Act entitled: an Act "In reference to and to further provide for the general revenue of the State of Alabama," approved July 22, 1927.

Be it Enacted by the Legislature of Alabama:

That Section 15 of an Act entitled: an Act "In reference to and to further provide for the general Revenue of the State of Alabama," be and the same is hereby amended so as to read as follows: Section 15. STREET FAIRS, ETC. Each person, firm or corporation operating or conducting an exhibition commonly termed "Street Fair or Carnival" shall pay to the State a license as follows: For an exhibition operating or composed of, or controlling or embracing not more than ten exhibits or devices, Three Hundred Dollars ($300.00); but where more than ten and not exceeding twenty-five devices, Four Hundred Dollars ($400.00); and where there are more than twenty-five devices Seven Hundred and Fifty Dollars ($750.00); for each place where said Street Fair is conducted. This license shall entitle the street fair to be operated for a period of not exceeding two weeks in any one place at any one time. Provided, that the provisions of this Section shall not apply to any street fair or carnival operated by or under the auspices of State Fairs, County Fairs, or District Fairs. Provided that to the end that there may be no double taxation or license charged by this State, that the terms of this Act shall not apply to the operation or conduct of any street fair or carnival for the first four weeks' rehearsal performances after closing of winter quarters in this State, owned by any citizen of this State or by any corporation organized under the laws of this State and having its principal situs in Alabama and maintaining its permanent winter quarters in Alabama, whose property is subject to and pays to the State of Alabama a tax on its real and personal property under any law of this State. Provided this Act shall take effect on and after April 1, 1931. Provided further that on and after October 1, 1931 all street fairs or carnivals charging an admission fee shall be subject to the regular license provided under this Act.

Approved June 6, 1931.

No. 243.) (H. J. R. 28—Goodwyn.

HOUSE JOINT RESOLUTION

WHEREAS, all experienced persons know that in each State, legislative problems continually increase, both in number and in complexity.

WHEREAS, it is obvious that in order to solve such problems most effectively, each legislature must give systematic, scientific and business-like consideration to the actual *facts* which have a bearing upon each question—to the extent that such facts have been determined by reliable research.

WHEREAS, each legislature must give similar consideration to the methods and experience of other jurisdictions in dealing with problems similar to its own.

WHEREAS, no such problems can be dealt with adequately until facilities are established to assist every inquiring legislator to secure the most accurate information and the most expert advice which are available.

WHEREAS, experience indicates the necessity for an interstate legislative reference bureau to serve as a clearing house of information between all of the legislative reference services which are now being conducted by numerous states, and also to serve as a clearing house of information between the legislatures and all other agencies which are engaged in the study and analysis of legislative problems, such as governmental departments, political science departments of universities, competent reputable associations, and all other sources of information.

WHEREAS, experience also indicates that in certain States which do not maintain substantial legislative reference services, there is an imperative need for such an interstate legislative reference bureau, which will assist the legislators of those States to secure whatever information they desire in analyzing the legislative problems which they must determine, and to make more readily accessible for them, without cost, the valuable material which is at all times available from the legislative reference libraries and bureaus of various other states, and from many other reliable sources.

WHEREAS, every individual legislator in the United States shares the responsibility for improving the present inadequate and unsatisfactory condition of the legislative processes, but neither any individual legislator, nor any group of legislators from one State, can bring about such improvement without the cooperation of legislators of other States.

WHEREAS, such an interstate legislative reference bureau cannot be maintained by any one State alone, without the cooperation of the legislatures of other States.

WHEREAS, in order to set the machinery in motion to secure the necessary cooperation of the forty-eight legislatures, members of each legislature are working together in the development of the project of the American Legislators' Association.

WHEREAS, the said American Legislators' Association has now established in the vicinity of the University of Chicago, the Interstate Legislative Reference Bureau, which by explicit pledge is without color of politics, partisanship or propaganda, is conducted

without profit, and is engaged upon three principal purposes:

First: to procure promptly for all inquiring state legislators, and their agents, whatever information or advice they desire in connection with any legislative problem, primarily by assisting them to secure, without cost, the benefit of all researches conducted by governmental departments, universities, associations, legislative reference bureaus, and other agencies throughout the United States.

Second: to conduct a systematic study of the legislative processes of each of the States, in order to ascertain the practices which contribute most to efficient and economical organization and procedure; and to render all possible assistance to each legislature—and to each legislative reference bureau—which is endeavoring to improve its organization.

Third: To publish for the benefit of all state legislators the monthly magazine, State Government, as well as special Bulletins, and thus to disseminate information which will be helpful to all conscientious students of legislation.

WHEREAS, the American Legislators' Association is promoting acquaintance and mutual understanding among all individuals and organizations officially concerned with the impartial and scientific functioning of the legislatures of the various States, by the organization of Standing Committees and Advisory boards, and otherwise.

WHEREAS, the character and projects of the American Legislators' Association have the endorsement, and its organization has the active cooperation, not only of its membership, which consists entirely of members and ex-members of state legislatures, but also of numbers of other responsible citizens, many of whom, having specialized knowledge, are serving on the Association's Advisory Boards.

NOW, THEREFORE, IT IS HEREBY RESOLVED; That the organization of the American Legislators' Association and of the Interstate Legislative Reference Bureau are hereby commended as legitimate and constructive efforts to assist the legislatures of the various States in the efficient performance of their work.

Approved June 4, 1931.

No. 244.) (H. J. R. 149—Rish.

HOUSE JOINT RESOLUTION

WHEREAS the Legislature of Alabama has officially recognized the 41st Confederate Reunion and made appropriation to defray a portion of the cost of the Reunion and

WHEREAS the streets, public building and private residences in Montgomery have been elaborately decorated with Confederate colors for this occasion

NOW BE IT RESOLVED by the House of Representatives, the Senate concurring, that the House and Senate Chambers be appropriately decorated with Confederate colors and the Clerk of the House, the Secretary of the Senate, each be authorized to provide for such suitable decorations as may be appropriate for the occasion.

Approved June 4, 1931.

No. 247.) (S. 374—Edmundson.

AN ACT

To regulate appeals by and in behalf of cities having a population of one hundred thousand or more, according to the last or any subsequent Federal census.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all cases in which an appeal is now or may hereafter be allowable, any City in this State having a population of one hundred thousand or more, according to the last or any subsequent Federal Census, may take an appeal from and supersede any judgment, decree or other writ in any cause in which it is a party, without the necessity of executing an appeal bond, supersedeas bond or dissolution bond.

Section 2. That in all cases in which such City desires to take an appeal to another court, to which appeals are allowable, the same may be effected by filing in the trial court a statement by the City Attorney of such City that "the City of_____ takes an appeal to the_____Court," designating in the blank spaces the name of the City taking the appeal and the name and style of the court to which the appeal is taken; and when such statement is signed and filed by such City Attorney in the trial court, within the time allowed by law for taking an appeal in such cause, this shall have the effect of appealing the case and superseding any such judgment, decree, writ or order, as fully as if a good and sufficient supersedeas bond had been filed.

Approved June 10, 1931.

No. 249.) (H. 17—Sossaman.

AN ACT

To amend Section 2151 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 2151 of the Code is hereby amended to read as follows: "2151 ROADS: EXEMPTION OF INHABITANTS FROM WORKING. The inhabitants of any municipality shall be exempt

from working on the roads or highways outside the limits thereof, and may be required, for the support of the streets within such limits, to pay a street tax of not exceeding five dollars per year, which must be kept in a separate fund and used for the maintenance and construction of the streets of the municipality, and for no other purpose. Said street tax shall not be levied or collected in any municipality having a population of more than sixty eight thousand and less than two hundred thousand according to the last or any subsequent Federal census."

Approved June 10, 1931.

No. 250.) (H. 427—Grove.

AN ACT

To Provide For The Assessment And Payment Of The Clerk And Sheriff's Costs In All Judicial Circuits In The State Having More Than Two And Less Than Five Circuit Judges, Arising From Municipal Cases In Which The Defendant Is Not Convicted And The Costs Are Not Imposed On The Prosecutor, Or In Which Defendants Have Been Convicted, And Have Been Proved Insolvent By The Return Of Execution "No Property Found", Or In Cases In Which The Municipality Enters A Nolle Prosequi, Or Where The Complaint Has Been Withdrawn And Filed, Or The Prosecution Abated By The Death Of The Defendant.

Be it Enacted by the Legislature of Alabama:

Section 1. That from and after the approval of this Act, in all Judicial Circuits in the State having more than two and less than five Circuit Judges, the clerk and sheriff's costs arising from Municipal cases in which the defendant is not convicted and the costs are not imposed on the prosecutor, or in which defendants have been convicted, and have been proved insolvent by the return of execution "no property found", or in cases in which the Municipality enters a Nolle Prosequi, or where the complaint has been withdrawn and filed, or the prosecution abated by the death of the defendant, shall be taxed and assessed against, and shall be paid by such municipality.

Section 2. That all laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Approved June 12, 1931.

No. 251.) (H. 429—Sossaman.

AN ACT

To amend Section 402 of the Code of Alabama of 1923 as amended by the Act of the Legislature of Alabama, approved August 20, 1927, and set out on page 274 of the General Acts of Alabama for the Regular Session of 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 402 of the Code of Alabama of 1923, as amended by an Act of the Legislature of Alabama, approved August 20, 1927, and set out on page 277 of the General Acts of Alabama for the Regular Session of 1927, be and it is hereby amended to read as follows: 402. CLERICAL ASSISTANTS TO MAKE INSPECTION LIST. The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. Such assistants shall be paid out of the county treasury by warrants drawn by the commissioners court, board of revenue, or other governing body, on certificate of the probate judge, accompanied by the certificates of the person being paid, showing the amount is due under the provisions of this article; but the entire amount spent for such assistants and clerical help shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by five cents. The judge of probate in all counties having a population of not less than one hundred thousand nor more than one hundred fifty thousand, according to the last or any subsequent Federal census, is hereby authorized and directed to employ a Clerk to assist the Board of Registrars of said County. The duties of said clerk shall be to submit to the Board of Registrars, revised election lists of said county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, non-resident and fictitious persons named upon said roll and from connection of crime and shall further attend to all clerical work of the Board of Registrars. He shall be paid a compensation, out of the county treasury, of not more than $250.00 per month, to be fixed by the Judge of Probate.

Became a Law under Section 125 of the Constitution.

No. 252.) (H. 512—West.

AN ACT

To provide that in each City of Alabama, having a population of one hundred thousand, or more, according to the last, or any succeeding Federal census, the City Board of Education in such City, by whatsoever name called, shall select from the incorporated State and National Banks, doing business in such City,

a depository or depositories for school funds, and to relieve the City Treasurer of such City, from liability for the loss of school funds deposited in such depository or depositories, by reason of the failure of any such bank, during the time that it remains selected as such depository, and to permit such City Board of Education in its discretion, to require a bond of such depository, securing any deposits that may be made in it of school funds.

Be it Enacted by the Legislature of Alabama:

Section 1. That within thirty days after this Act becomes law, the City Board of Education, by whatever name called, in each City of this State having a population of one hundred thousand, or more, according to the last or any succeeding Federal census, shall, by resolution of such Board, select from the incorporated State and National banks doing business in such City, one or more of such banks as a depository for school funds. Such Board of Education may, in its discretion, require each such depository to give bond securing such deposits and payable to the Treasurer of such City, for the use of such City Board of Education, in such sum as it may fix. A copy of such resolution selecting such bank or banks, certified by the Secretary of such Board, shall be filed with the Treasurer of such City, and such Treasurer shall, thereafter, be authorized to deposit school funds in any bank or banks designated in such resolution as such depository and to permit to remain on deposit therein such school funds as he may then have deposited therein, and he shall thereafter be under no liability for any school funds that may be lost by the failure of any such bank, or banks, unless such loss results from the fact that he intentionally permitted such funds to remain in such bank or banks after being notified, as hereinafter provided, that such bank or banks had been withdrawn by such City Board of Education, as such depository.

Section 2. Such City Board of Education in such City, may, in like manner, and from time to time, designate an additional depository or depositories, of which notice shall be given to such City Treasurer, as of the original selection of a depository or depositories, and such City Treasurer may thereafter, and until such designation is withdrawn, keep school funds in such additional depository or depositories without liability for the loss of the same by reason of the failure of any such bank, unless such funds are lost by reason of the fact that such Treasurer permits them to remain on deposit in such depository after receiving notice of the withdrawal by such Board of its selection as such depository.

Section 3. Such Board of Education in such City, by a resolution of the Board, may withdraw its designation of any such bank, as such depository, and a copy of such resolution certified by the Secretary of such Board, at once, shall be delivered to such Treasurer, who shall execute and deliver to such Board, on the receipt thereof, an acknowledgment of the receipt of such resolution. Thereafter such Treasurer shall not be authorized to keep school

funds of such Board or City on deposit in such bank, and shall be liable for the loss of any such funds, by the failure of such bank, as might have been withdrawn by him after the receipt of a copy of such resolution.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act, be and the same hereby are, repealed.

Approved June 12, 1931.

No. 259.) (H. 688—Morrow.

AN ACT

To amend an act approved September 13, 1923, entitled "An Act Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers, used on the public highways of Alabama and for the registration or license fee therefor and to further provide for the revenue of the State of Alabama."

Be it Enacted by the Legislature of Alabama:

Section 1. That section 25A of an Act, approved September 13th, 1923, entitled "An Act relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of Motor vehicles, motor tractors, jitney busses, trailers used on the public highways of Alabama and for the registration or license fee therefor and to further provide for the revenue of the State of Alabama," be and the same is hereby amended so as to read as follows: "25A. The State Tax Commission is hereby authorized and empowered, when it deems it necessary to do so in order that all taxable property shall be listed for taxation to appoint a Deputy Tax Assessor whose duty it shall be to list for assessment and taxation any personal property subject to taxation in Alabama and which property is not entered on any tax return made to the County Tax Assessor, or to the State Tax Commission. (A) Such Deputy Tax Assessors shall hold office only at the will of and shall be governed by rules and regulations prescribed by the State Tax Commission and shall have the same power and authority as County Tax Assessors in the performance of their duties in the assessment of personal property which has escaped taxation. (B) The Compensation of Deputy Tax Assessors appointed under this section shall not exceed 20% of the actual amount of money collected by the County Tax Collector on the Escaped personal property listed and assessed by said deputy assessors which compensation shall be paid by the County Tax Collector upon Certificate of the State Tax Commission out of the monies collected by said Tax Collector on such escape personal property assessments, the collector shall take a receipt there-

for and such receipt shall be filed with the State Auditor at the time the Tax Collector makes his annual settlement and the amount shown thereon shall be a credit against such escaped tax as assessments charged against the collector. (C) Deputy Tax Assessors appointed under this section shall be required to execute a bond, payable to the State of Alabama in an amount prescribed by the State Tax Commission, which bond shall be filed with and approved by said Commission, and conditioned to faithfully perform the duties of Deputy Assessor. D. That in all counties of the State of Alabama having a population of 300,000 or more according to the last or any subsequent Federal Census the Deputy Tax Assessors appointed under this section shall also have authority and it shall be their duty to list for assessment and taxation any escaped improvements on real property subject to taxation in Alabama which improvements are not entered on any tax return made to the County Tax Assessors or to the State Tax Commission, and shall have the same power and authority as County Tax Assessors in the performance of their duty in the assessment of improvements on real property which have escaped taxation and shall receive the same compensation for listing and assessing or causing to be listed and assessed escaped improvements on real property as they receive for listing and assessing escaped personal property; which compensation shall be paid in the same manner in which their compensation for listing and assessing escaped personal property is paid.

Approved June 10, 1931.

No. 261.) (H. 793—Tunstall.

AN ACT

To make an appropriation of Two Hundred and Fifty Thousand ($250,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature and the Recess Committees raised by the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of Two Hundred and Fifty Thousand ($250,000.00) Dollars, or so much thereof as may be necessary, to defray the expenses of the present session of the Legislature and the recess Committees raised by the Legislature.

Approved June 12, 1931.

No. 263.) (H. 120—Stokes.

AN ACT

To Graduate The License Tax Required On Motor Vehicles And Motor Vehicle Trailers And To Provide For The Issuance Of License Tags For The Unexpired Or Proportionate Part Of The Tax Or License Year Yet To Run, After Such Motor Vehicle Or Motor Vehicle Trailer Becomes Liable For Such License Tax, Allowing A Deduction From The Regular License Tax For Each Quarter Of The License Or Tax Year Which Shall Have Expired Before The Motor Vehicle Or Motor Vehicle Trailer Became Liable For The License Tax.

Be it Enacted by the Legislature of Alabama:

Section 1. That the registration or license tax which may now or hereafter be required to be paid on automobiles, automobile truck or other motor vehicles shall be graduated on an annual, semi-annual and quarterly basis, that is, if the motor vehicle is purchased during the period between October first and December thirty-first of any tax or license year, the registration or license tax shall be for the full tax year, if purchased during the period between January first and April first of any tax year, the registration or license tax shall be for three-fourths of the annual registration or license tax, if the motor vehicle is purchased during the period between April first and July first of any tax year, the registration or license tax shall be one-half of the annual registration or license tax, if the motor vehicle is purchased during the period between July first and October first of any tax or license year, the registration or license tax shall be one-fourth of the annual registration or license tax.

Section 2. The fee allowed the Probate Judge for issuing such license tag shall be fifty cents, without reference to when said tag is issued.

Section 3. A trailer used with a motor vehicle shall be entitled to a similar pro rata reduction of the license tax required for such trailer as is allowed and provided by this act for the motor vehicle with which such trailer is used.

Section 4. That all probate judges shall, in their settlements with the State, counties and municipalities, make proper calculation and deduction for the pro rata deduction on such license taxes as may have been made by the operation of this act.

Section 5. That all laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 6. That this act shall go into effect on October 1, 1931.

Approved June 13, 1931.

No. 268.) (H. J. R. 183—Taylor and Sossaman.

HOUSE JOINT RESOLUTION

WHEREAS, the Hon. Edward J. Grove, a member of the House of Representatives, has been called by Providence, and,

WHEREAS, he was held in respect and affection and esteem by his colleagues as a man of sterling character and worth and as a Legislator of value to his State, and,

WHEREAS, it is desired to give expression to the deep regret felt by this body at the loss suffered,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA that the House experiences the deepest regret at the unfortunate loss to the State of its fine Representative Edward J. Grove, and as an expression of its grief and regard orders this Resolution spread upon its minutes and an engrossed copy thereof furnished to Mr. Grove's family,

BE IT FURTHER RESOLVED that a page of the Journal of this body be set apart for the transcription of this Resolution in memory of our deceased brother,

BE IT FURTHER RESOLVED that this House do adjourn out of respect to the memory of the deceased.

AND, WHEREAS, a feeling of shocked sorrow is felt particularly by Mr. Grove's colleagues, Messrs. W. C. Taylor and George A. Sossaman and Senator John Craft, who held Mr. Grove in the warmest personal esteem and affection.

Approved June 16, 1931.

No. 271.) (H. 824—Barber.

AN ACT

To abolish the Board of Revenue or Commissioners Courts in all counties in this state having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census and to establish in such counties a County Commission; to provide for the election of the members of the said Commission, to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That all Commissioners Courts or Boards of Revenue in counties of this State having a population of 300,000 or more according to the last Federal Census be and they are hereby abolished, and all such Courts of County Commissioners or Boards of Revenue in counties of this State which shall have a population of 300,000 or more according to any subsequent Federal Census shall

be abolished on the official ascertainment and declaration of such census.

Section 2. That there is hereby created a County Commission in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census which Commission shall consist of three members who shall be elected by the Senate of Alabama; provided that if the Senate is not in session at the time any County comes into the classification herein established, the members of said County Commission shall be appointed by the Governor of Alabama; that the terms of office of the members of said County Commission shall be as follows: (a) One of said members shall be so elected or appointed to serve as a member of said County Commission from the time of his election or appointment until the election and qualification of his successor in office, who shall be elected at the next ensuing general election; (b) That another member, the second, shall be so elected or appointed to serve as a member of said County Commission from the time of his election or appointment, until the general election next following the general election last above referred to in the preceding sentence designated as (a); (c) that another member, the third, shall be so elected or appointed to serve as a member of said County Commission from the time of his election or appointment, until the general election next following the general election last above referred to in the preceding sentence designated as (b); (d) that the term of office for the members of such County Commission; except as above provided, shall be for a term of six years, and until their successors are elected and qualified.

Section 3. That a vacancy in the office of said commission shall be filled by the other two members of said Commission and said officer so appointed shall fill the unexpired term created by the death, resignation or removal of the said member provided however, that should the members of the commission be unable to agree on the person to be elected to said vacancy within seven (7) days after the vacancy occurs, that the fact thereof shall be certified by the clerk of the Commission to the Governor of Alabama who shall make the appointment.

Section 4. That the compensation of each of said commissioners shall be the sum of $6,000.00 per annum, payable in equal monthly installments out of the general Fund of the County.

Section 5. Said Commission shall have the power and authority to direct and control the property of the County as it may deem expedient according to law, to levy a general tax for general and special tax for particular County purposes; to examine, settle and allow accounts and claims chargeable against the County, to examine and aduit the accounts of all officers having the care, management, collecting or disbursement of monies belonging to the county or appropriated for its use and benefits; to audit and allow

all claims for charges and expenses for all County officers; to have exclusive control of the convict labor of the County and the sole right and authority to bind the County in any contract for the payment of money.

Section 6. Said commission shall have all the jurisdiction and powers which are or may hereafter be by law vested in the Courts of County Commissioners or Boards of Revenue of this State and the members thereof shall perform all the duties and services and exercise all the powers which are, or may be provided by law for the members of Courts of County Commissioners or Boards of Revenue in this State.

Section 7. The president of said Commission shall be its presiding officer, and shall have the same power and authority as other members in passing upon all questions, and shall sign the minutes of the proceedings of the commission, and shall sign all warrants drawn on the County treasurer, and all orders for the payment or disbursement of money or funds of said County, and it shall be his duty to receive and prepare business and obtain information for the sessions of the said commission, and to see to the execution of all orders thereof, and to report to the Commission all infractions of the revenue law in said County of which he can obtain authentic information. He shall exercise all the powers and perform all the duties required of the Probate Judge as to matters coming before the Court of County Commissioners.

Section 8. Said County Commission shall have power and authority to employ a Chief Clerk and as many assistant clerks as are necessary for the convenient and orderly transaction of the business of such Commission, and fix and determine the amount of compensation to be paid such clerk and assistants as in the discretion of such court shall be reasonable compensation for the services required for such chief clerk and assistants.

Section 9. A majority of said Commission shall constitute a quorum for the transaction of business and no funds belonging to the County shall be drawn or paid out except as authorized by said Commission, and a proper list and registry of all sums drawn or paid out and of the nature of the claim and of the person in whose favor drawn or paid out shall be kept by either the president or clerk of said board.

Section 10. That said Commissions shall do and perform all acts and services and shall exercise all the powers and functions which are now by law required or authorized of Commissioners Courts or Boards of Revenue in Counties having a population of 300,000 or more according to the last Federal Census.

Section 11. That said Commission shall have the power to make rules and regulations for the conduct of all offices where the compensation of the employees or any part thereof is paid out of the funds of said County.

Section 12. That it shall be the duty of said Commission to keep the Court House and other public buildings free from all posters, circulars, signs, cards and other objectionable advertising matter.

Section 13. That such Commissions shall not employ or continue in the County service nor approve the appointment of any employee, clerk, deputy, bailiff or agent who is not of good moral character or who fails without good reason to pay his just debts or is an habitual drunkark.

Section 14. That this Act shall become effective upon its approval by the Governor.

Approved June 16, 1931.

Passed over Governor's Veto.) (H. 524—Sanderson.

AN ACT

To Create And Establish A Board Of Jury Supervisors In Every County In This State Which Now Have Or Which May Hereafter Have A Population Of As Much As Seventy-Five Thousand And Not More Than One Hundred Thousand People, According To The Last Federal Decennial Census, Or Any Such Census Which May Hereafter Be Taken; To Provide That The Circuit Judges, The Judge Of Probate, The Sheriff And The Clerk Of The Circuit Court Of All Such Counties Shall Constitute The Board Of Jury Supervisors And To Confer Upon Them All The Jurisdiction And All The Power And Authority Which Is Now Or Which May Hereafter Be By Law Vested In Jury Boards In This State; To Provide That They Shall Perform And Discharge All The Duties Of Jury Boards Without Compensation, Except As Provided By This Act; To Authorize Them To Elect One Of Their Number President Of Such Board Of Jury Supervisors, And To Provide That The Clerk Of The Circuit Court Of All Such Counties Shall Be Ex-Officio Clerk Of Such Board Of Jury Supervisors; To Fix His Salary As Such Clerk, The Manner Of Its Payment, And To Abolish The Jury Board And The Clerk Thereof In All Such Counties.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties of this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than one hundred thousand people, according to the last federal decennial census, or any such census which may hereafter be taken, there is hereby created and established a Board of Jury Supervisors which shall be composed of the circuit judges, the judge of probate, the sheriff and the clerk of the Circuit Court of all such counties.

Section 2. That the Board of Jury Supervisors created and established in Section 1 of this Act shall have all the power, authority and jurisdiction which is now conferred by law or which may hereafter be conferred by law upon jury boards in this State.

The members of such Board of Jury Supervisors, except as hereinafter provided, shall perform and discharge their duties without compensation.

Section 3. The circuit judges, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than one hundred thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, shall, within ten days after the approval of this Act by the Governor, or this Act becoming a law, meet and organize as such Board of Jury Supervisors by electing one of their number President of the Board of Jury Supervisors, and shall thereupon begin the discharge of the duties imposed upon and required of them by this Act. Any three of them shall be a quorum for the transaction of any and all business.

Section 4. The clerk of the Circuit Court of such counties shall be ex-officio clerk of the Board of Jury Supervisors in such counties, and shall take the oath and perform all the duties now required by law of clerks of jury boards in this State. Said clerk of the Board of Jury Supervisors shall receive for his services as such the sum of Twelve Hundred Dollars per year, payable in twelve equal monthly installments, out of the treasury of such county upon the order of the President of the Board of Jury Supervisors.

Section 5. Upon the organization of the judges of the circuit court, the judge of probate, the sheriff, and the clerk of the circuit court as the Board of Jury Supervisors, the persons now acting as members of the jury boards in said counties shall deliver to the Board of Jury Supervisors the jury roll, all books, papers, cards, and other records of such present jury board.

Section 6. That the jury board, and the clerk thereof, in all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than one hundred thousand people, according to the last federal decennial census, or any such census which may hereafter be taken, be and such jury board, and the clerk thereof, are hereby abolished.

Section 7. All laws and parts of laws, general, local or special, in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 8. This Act shall take effect immediately upon its becoming a law.

Passed over the Governor's Veto June 18, 1931.

No. 273.) (H. 53—Beebe.

AN ACT

Defining motor transportation companies and "motor transportation operators," conferring jurisdiction upon the Alabama Public Service Commission over the transportation of passengers and property for hire as common carrier by motor vehicles and providing for the supervision and regulation and taxation of such motor transportation companies and for the enforcement of this Act and for punishment for violations thereof.

Be it Enacted by the Legislature of Alabama:

That in addition to any authority, powers and jurisdiction under the laws of this State now or hereafter conferred upon or exercised by the Alabama Public Service Commission, there is hereby conferred upon said Commission all the authority, power and jurisdiction hereinafter particularly set forth:

Section 1. The following words and phrases used in this Act, when not inconsistent with the context, shall be construed as follows: The term "commission" shall be construed to mean the Alabama Public Service Commission; the term "commissioner" shall mean one of the members of such commission; "motor transportation" shall be construed to mean the business of carrying and transporting passengers or property in motor propelled vehicles of any kind whatsoever for hire as common carriers over any public street, alley, road or highway in this State, except transportation solely and wholly within the limits of any municipality and/or within the police jurisdiction thereof; the term "motor propelled vehicle" or "motor vehicle" when used in this Act shall be held to mean any automobile, automobile truck, automobile or motor bus, or any other self propelled vehicle or vehicles used in connection therewith not operated or driven upon fixed rails or tracks; the term "highway" as used in this act shall be construed to mean any public road, street or alley dedicated to public use, and/or maintained by the expenditure of public funds, whether within or outside any incorporated city, town or village; the term "motor transportation company" shall be construed to mean any corporation, person, partnership or association, or the lessees, trustees, or receivers thereof, owning, controlling, operating and/or managing (1) any motor propelled vehicle not operated on or over rails, used in the business of transportation of passengers or property for hire as a common carrier over any highway in this State, or (2) any terminal or station facilities for passengers, freight or express transported by such company. (1) "Person" or "persons" shall be held to include firm, corporation, partnership or association, or any lessee, trustee or receiver thereof. Provided, however, that this Act shall not apply to motor vehicles engaged exclusively in transporting solely within the limits of any city, town or village

in this State or within the police jurisdiction thereof. "Fixed termini," or "regular routes," as used herein or in any certificate issued hereunder shall mean the termini between which or route over which such motor transportation company shall usually or ordinarily operate, though departures from such termini or route may be periodical or irregular. "Common Carriers" in the meaning of this Act shall be held to include only motor transportation companies operating between fixed termini or over a regular route and who hold out to carry for hire, so long as it has room, for all persons applying, or goods of every one bringing goods to him for hire.

Section 2. The Commission is hereby vested with power and authority and it shall be its duty to supervise and regulate every motor transportation company in this State; to fix or approve the rates, fares, charges, classifications and rules and regulations pertaining thereto, all of which shall be just and reasonable; to regulate and supervise the accounts schedules, speed, service and methods of operating the same, to prescribe a uniform system and classification of accounts to be used which, among other things, shall set up adequate depreciation charges, and after such accounting system shall have been promulgated, motor transportation companies shall use no other; to require the filing of annual and other reports and any other data; and to supervise and regulate motor transportation companies in all matters affecting the relationship between such common carriers and the traveling and shipping public, which shall include rules and regulations for proper inspection of motor vehicles, for the installation of safety devices thereon, and the installation of automatic speed governing regulators and mileage indicator. The Commission shall have power and authority by general order or otherwise to prescribe rules and regulations governing all such motor transportation companies. All laws relating to the powers, duties, authority and jurisdiction of the Public Service Commission over common carriers of property and of passengers are hereby made applicable to all such motor transportation companies, except as herein otherwise specifically provided. No provision of this Act shall be so construed as to deprive any municipality within this State of its right to regulate and control the use of its streets or the right to regulate and control all motor propelled vehicles operating within its corporate limits. No motor transportation company shall operate any motor vehicle for the transportation of passengers or property for hire as a common carrier on any public highway in this State, except in accordance with the provisions of this Act.

Section 3. (a) All charges made by any motor transportation company for any services rendered or to be rendered in the transportation of passengers or property wholly within this State, shall be contained in tariffs filed with and approved by the Commission

and shall be just and reasonable, and every charge in violation of such tariff rates is prohibited and declared unlawful. (b) In prescribing rates to be charged for the transportation of passengers or property the commission shall take into consideration, among other things, the kind, character and value of service to be performed. (c) All rates charged by motor transportation companies shall be substantially uniform over the same distance for the same classes of passengers or property, and no motor transportation company shall make any greater charge in proportion to the distance it transports passengers or property for transportation from one point to another not served by one or more parallel or competing transportation agencies than it charges for transportation from one point to another point actually served by one or more parallel or competing transportation agencies, except in cases where the Commission finds facts which justify and require departure from such uniform rates in the public interest. And every charge made in violation of this sub-section (c) is hereby declared to be unjust and unreasonable and the making thereof shall be punished as for any other violation of any of the provisions of this Act. (d) Every motor transportation company subject to the provisions of this Act receiving property for transportation originating and terminating in this State shall issue to the shipper a receipt or bill of lading therefor, and shall be liable as a common carrier under the laws of this State to the lawful holder thereof for any loss, damage or injury to such property caused by it; and no contract, stipulation, receipt, rule or regulation contained in said receipt or bill of lading, or otherwise, shall exempt such motor transportation company from the liability hereby imposed; but nothing in this subsection (d) shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law. Every bill of lading so issued to the shipper shall state the class or classes of freight or express shipped and the rate to the point of destination and the aggregate charge made for the transportation. The Commission shall prescribe the forms and contents of bills of lading, receipts, expense bills and other records, to be used by motor transportation companies subject to the provisions of this Act and to make all proper rules and regulations with respect thereto which may be necessary or proper to secure the safe receipt, handling, transportation and delivery of property by motor transportation companies upon just and reasonable terms, and such records shall be subject to inspection by the Commission. (e) It shall be unlawful for any motor transportation company subject to the provisions of this Act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or any particular description of traffic in any respect whatsoever or to subject any particular person, company, firm, corporation or locality, or any particular de-

scription of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; and it shall be unlawful for any person, persons, or corporation, to offer, grant or give or to solicit, accept or receive, any rebate, concession or discrimination in respect to the transportation of any person, passengers or property by any motor transportation company whereby any such person, passengers or property shall by any device whatsoever be transported at a less rate than that named in the tariff published and filed by such motor transportation company or whereby any other advantage is given or discrimination is practiced. (f) No motor transportation company shall charge or demand or collect or receive a greater or less or different compensation for the transportation of passengers or property or for any services in connection therewith than the rates and charges which have been duly approved therefor by an order of the commission; nor shall any motor transportation company refund or remit in any manner or by any device any portion of the rates and charges required to be collected, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as have been provided for in its published tariffs or by an order of the Commission.

Section 4. (a) It is hereby declared unlawful for any motor transportation company to operate or furnish service within this State without first having obtained from the Commission a certificate declaring that public convenience and necessity will be promoted by such operation. The Commission, upon the filing of a petition for such certificate, shall within a reasonable time, fix a time and place for hearing thereon. The Commission shall cause a copy of such petition and notice of hearing thereon to be served at least twenty days before the hearing upon an officer or owner of every common carrier of passengers or property for hire, including railroads and upon every other applicant for a certificate to operate in the territory proposed to be served by the applicant and on the State Highway Commission, and on the city clerk of any city and on the Judge of Probate of each county into or through which said motor transportation company may desire to operate, and the State Highway Commission, every such common carrier or city or county is hereby declared to be an interested party to said proceedings and may offer testimony for or against the granting of such certificate, and any other person or persons who might in the opinion of the Commission be properly interested in or affected by the issuance of said certificate may offer testimony for or against the granting of such certificate. If the Commission shall find from the evidence that public convenience and necessity will be promoted by the creation of the service proposed, or any part thereof, as the Commission shall determine, a certificate therefor shall be issued; provided, where a certificate such as provided for above shall have

been regularly issued and thereafter the motor transportation company to whom such certificate shall have been issued, shall sell, transfer or assign the business, rights and assets of such motor transportation company, then and in that event the said certificate, originally issued to such motor transportation company, shall, upon application to the Commission and upon like notice as hereinabove provided to all interested parties if the Commission after hearing shall be of the opinion that the purchaser thereof is in all respects qualified under the provisions of this Act to conduct the business of a common carrier in the transportation of passengers or property for hire within the meaning of this Act, may be by such Commission transferred to the purchaser and be effective in like manner as though originally issued to such purchaser, provided, however, that a motor transportation company now holding a certificate of public convenience and necessity issued to it by the Commission shall not be required to apply for a new certificate under this Act, but the certificate now held shall be effective as if issued under this Act, but this shall not be construed or held to relieve the holder of such certificate from complying with all other provisions of this Act and any and all other laws now or hereafter in effect. (b) In determining whether such certificate shall be granted, the Commission must, among other things, consider the following: (1) Whether existing transportation service of all kinds is adequate to meet the reasonable public needs. (2) Financial ability of the applicant to furnish adequate continuous and uninterrupted service the year round. (3) The effect, expense and burden on the public highways, including bridges, and on the traffic, both private and common carrier, thereon. (4) The advantages to the public of the proposed service. (5) The Commission shall adopt rules prescribing the manner and form in which motor transportation companies shall apply for certificates required by this section. Among other rules adopted, there shall be rules as follows: (1) Application shall be in writing. (2) Shall contain full information concerning the ownership, financial condition, equipment to be used, including the size, weight and capacity of each vehicle to be used, and physical property of the applicant. (3) The complete route or routes over which the applicant desires to operate. (4) The proposed time schedule. (5) The proposed rates, schedule or schedules and classifications of the equipment. (6) All existing transportation in the territory proposed to be served and wherein the public needs additional service and why. (7) Any such other or additional information as the Commission may order or require. (d) The Commission may prescribe such reasonable conditions upon the issuance of such certificate as it may deem advisable.

Section 5. Every motor transportation company doing business in this state and subject to the control and jurisdiction of the commission shall pay to the state as contribution to the mainte-

nance, repair and policing of its public highways for each mile actually operated within the state over such public highways a mileage tax of one-fourth cent per mile on all passenger vehicles with a seating capacity of sixteen passengers or less; and a mileage tax of one-half cent per mile on all passenger vehicles with a seating capacity of not less than seventeen and not more than twenty passengers; and a mileage tax of three-fourths cent per mile on all passenger vehicles with a seating capacity exceeding twenty and not exceeding twenty-five passengers; and a mileage tax of one cent per mile on all passenger vehicles with a seating capacity exceeding twenty-five passengers; and a mileage tax of one-half cent per mile on all vehicles transporting property with a rated carrying capacity of less than two tons, and a mileage tax of three-fourth cent per mile on all vehices transporting property with a rated carrying capacity of two tons or more but less than three tons; and a mileage tax of one cent per mile for vehicles transporting property with a rated carrying capacity of three tons or more, but less than four tons and a mileage tax of one and one-half cent per mile for vehicles transporting property with a rated carrying capacity of four tons, but less than five tons; and a mileage tax of two cents per mile for vehicles transporting property with a rated carrying capacity of five tons or more. Provided, it shall be unlawful for any vehicle subject to the provisions hereof to be operated on the public highways with a load greater than fifty (50%) per cent in excess of its rated carrying capacity. Such mileage tax shall be paid by such motor transportation company in addition to all property, franchises, licenses, or other taxes, fees and charges now or hereafter provided by law. Every motor transportation company operating under the provisions of this Act shall, between the first and fifteenth days of January, April, July and October of each year, file with the Commission, a sworn statement showing (a) the mileage traveled on the highways of this State for the preceding three months or portion thereof; (b) the number, kind and capacity of the motor propelled vehicle so operated; (c) such other information as may be required by the commission, and such motor transportation company shall pay to the Commission at the time of filing of said statement, and the Commission shall collect from such motor transportation company said mileage tax. For the purpose of computing the mileage tax to be collected under the provisions of this Act, each trailer attached to a motor propelled vehicle of any kind and used for transportation of property shall be deemed a motor propelled vehicle, and the mileage tax shall be computed upon the basis of the rated carrying capacity and miles actually operated by such trailer on the highways of this State at the rate herein specified for motor propelled vehicles in the transportation of property. The mileage tax herein specified is herein based upon the rated carrying capacity of the motor ve-

hicle and the miles actually operated, without regard to the number of passengers actually hauled or the amount or value of property transported in the operation of such motor propelled vehicle over the highways of this State. Provided, if the motor propelled vehicle which draws any such trailer is not used for carrying property but simply as a tractor to draw the trailer attached thereto, then such motor propelled vehicle and the trailer drawn thereby shall be deemed one unit and the mileage tax shall be based upon the rated carrying capacity of such trailer in accordance with the provisions of this Act. The mileage tax herein provided for shall be in lieu of the three per cent gross income on all intrastate business transacted in this State, levied in sub-section (b) of Section 3 of the Act approved August 25, 1927, which subsection (b) of said Act approved August 25, 1927, is hereby repealed. Any motor transportation company failing in whole or in part to pay the mileage tax or part thereof due by it within any of the time herein prescribed for the payment of the same shall be in default and shall be liable to a penalty of twenty-five per cent of the amount of the tax. The State shall have a lien upon all the property in this State of any motor transportation company for the payment of the mileage tax provided by this Act and the fees and penalties of this Section provided for, which lien shall be superior to all other liens, except a lien for State, County and municipal taxes. Miscellaneous fees shall be paid to the Commission hereunder as follows. Every application for certificate of public convenience and necessity shall be accompanied by an application fee determined on the following basis, namely: (a) A fee of fifty dollars for each motor vehicle used by such motor transportation company for the transportation of persons for hire. For every such motor transportation vehicle having a seating capacity exceeding twelve persons, an additional fee shall be paid computed on the basis of fifty cents per passenger capacity for such additional capacity; (b) For every motor vehicle used by such motor transportation company for the transportation of property for hire the motor transportation company shall pay a fee of fifty dollars and if the rated capacity of any such vehicle exceeds three tons, an additional fee of one dollar for each additional rated ton capacity shall be paid; (c) For each motor vehicle used by such motor transportation company for transportation of both persons and property, the fee shall be computed on the basis of either passenger or tonnage capacity, and the basis which shall yield the larger amount will apply. Application for transfer mortgage or pledge of a certificate of public convenience and necessity twenty-five ($25.00) dollars. Application for the issuance of a duplicate certificate of public convenience and necessity three dollars ($3.00). For copy of any record or part thereof, of the Commission, pertaining to motor transportation companies, per one hundred words or portion thereof fifteen cents ($00.15). In case of

special or temporary demand for transportation of passengers or property for limited periods, the fees required to accompany application for certificate of public convenience and necessity may be fixed by the Commission in such reasonable amount, differing from those fixed herein, as may be prescribed by general rule or special order; provided, however, all fees prescribed under this Act shall apply in case of such special or temporary demands until otherwise ordered by the Commission. All said mileage tax, fees and amounts collected under this Act shall be paid into the State Treasury within thirty days after their receipt and shall be kept separate and apart from all other funds by the State Treasurer in a fund to be known as the "Motor Carrier Fund," and shall be used; first, for the payment of all expenses incurred by the Public Service Commission under this Act, and the surplus at the end of each fiscal year, shall be credited one-half to the Highway Department for use in maintenance and repair of highways in the State, and for the enforcement of the provisions of this Act, and one-half to be equally divided among the several Counties of the State for use in maintenance and repair of highways in such Counties, and for the enforcement of the provisions of this Act." Provided, that the expenses incurred by the Public Service Commission shall not exceed the sum of Fifteen Thousand ($15,000) Dollars per annum for the enforcement and administration of this Act.

Section 6. No certificate shall be granted and no schedule authorized where it appears either from said schedule or the records upon the hearing, or otherwise, that the statute regulating the speed of motor vehicles or any other regulatory or penal statute will be violated.

Section 7. Before a certificate shall be issued to any motor transportation company it shall file with the Commission a bond in the penal sum of $1,000 payable to the State of Alabama, with some surety company qualified to do business in the State as surety thereon, conditioned that such motor transportation company shall pay any and all mileage taxes and penalties assessed under the provisions of this Act and for the faithful compliance with all lawful decisions, orders, rules, regulations, demands and requirements of the Commission made, rendered, issued or promulgated under the provisions of this Act. Provided, however, the amount of the bond may in the discretion of the Commission be increased to an amount not to exceed $5,000.

Section 8. When a petition for a certificate of public convenience and necessity has been in whole or in part denied by the Commission or has been granted by the Commission and the order of the Commission granting same has been quashed or set aside by a court of competent jurisdiction, a new application by the same applicant therefor shall not be again considered by the Commis-

sion within six months from the date of the order denying the same or the judgment of the court quashing or setting aside the order.

Section 9. No motor transportation company authorized under the provisions of this Act to operate within the State of Alabama shall abandon or discontinue either temporarily (except in cases of emergency) or permanently, any service established under the provisions of this Act without an order of the Commission that the public convenience and necessity permit such abandonment or discontinuance, which said order shall be granted by the Commission only after hearing upon due notice as provided in Section 4 hereof for notice of applications for certificate, should the Commission deem a hearing necessary.

Section 9-A. In any proceeding to determine the justness or reasonableness of any rate, fare or charge of any such motor transportation company, there shall not be taken into consideration or allowed as evidence or an element of value of the property of such company, the certificate under which such carrier is operating, and in applying for and receiving a certificate under this Act, any such motor transportation company shall be deemed to have agreed to the provisions of this Section on its own behalf and on behalf of all transferees of such certificates.

Section 10. Suit may be instituted by and in the name of the Attorney General of the State or of the Commission or by any other interested party against any motor transportation company subject to the provisions of this Act in any county in this State through which or into which such motor transportation company shall operate, for the purpose of enjoining such company from operating unlawfully or for the purpose of enforcing the provisions of this Act or any lawful rule or regulation of the Commission made pursuant thereto.

Section 11. The Commission shall prescribe the books and forms of accounts to be kept by the grantees of certificates which shall be preserved for such reasonable time as may be prescribed by the Commission. The books and records of every certificate holder shall be at all times open to the inspection of said commission or any agent appointed by it for such purpose. The Commission shall have the power to cancel any certificate theretofore issued to any motor transportation company for failure to pay the mileage tax provided by this Act or to keep the books and records as prescribed by the Commission or for failure to comply with any lawful rule or regulation of the commission, but no certificate issued by the commission hereunder shall be revoked upon such grounds without notice and hearing to such motor transportation company under such rules and regulations as the commission may prescribe therefor. The commission shall have the power to examine the books and records of all motor transportation companies to whom it has granted certificates to operate hereunder and to

examine under oath the officers and agents of any motor transportation company with respect thereto.

Section 12. Any person who on his own behalf, or on behalf of any motor transportation company, shall knowingly make or cause to be made in any statement or report required by this Act any false or fraudulent statement shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

Section 13. At the time of granting a certificate of public convenience and necessity hereunder, the Commission shall determine and fix the amount of bond to be given by the applicant for such certificate for the protection, in case of passenger vehicles, of the passenger and baggage carried, and of the public, against injury approximately caused by negligence of such motor transportation company, its servants or agents; and in the case of vehicles transporting freight, to secure the owner or person entitled to recover therefor, against loss or damage to such freight and for protection of the public against injuries proximately caused by negligence of such motor transportation company, its servants or agents. Said applicant shall be liable as stated as a Common Carrier under the law now or hereafter in effect. And every such bond shall provide indemnity for every such injury or loss for which such motor transportation company is or may be liable under the law of this State as such common carrier. Before any motor transportation company shall obtain such certificate, it must file such bond with the Commission and obtain its approval thereof, which bond must be in the form and amount as prescribed by the Commission, payable to the State of Alabama and with some surety company qualified to do business in the State as surety thereon. Such bond shall contain such conditions, provisions and limitations as the Commission may prescribe by its order and shall be for the benefit of and subject to suit or action thereon by any person who shall sustain actionable injury or loss protected thereby, notwithstanding any provision in said bond to the contrary; and every bond or insurance policy herein named; so given, shall be conclusively presumed to have been given according to and to contain all the provisions of this Act. No such certificate of public convenience and necessity shall be valid and operative until such bond or insurance policy herein named has been filed with and approved by the Commission, and no such bond or insurance policy herein named, so filed and approved, shall be canceled by the surety or company issuing the same except upon and after ten days notice in writing to said Commission, and upon such notice being given by the surety or company issuing said bonds or insurance policy, the certificate of public convenience and necessity of the person giving such bond or insurance policy shall stand revoked unless a new bond or insurance policy shall be filed with and approved by the

Commission before the date upon which the cancellation thereof becomes effective. The applicant for such certificate of public convenience and necessity may, in the discretion of the Commission be allowed to file in lieu of such bond a policy of indemnity insurance in some indemnity insurance company qualified to do business in the State of Alabama; which policy must substantially conform to all the provisions hereof relating to such bond and must likewise be approved by said Commission. Every such insurance policy shall be for the benefit of any person who shall sustain an actionable injury protected thereby, which shall bind said surety to pay any judgment rendered against the motor transportation company, notwithstanding any provisions in such insurance policy to the contrary. The Commission shall also have the power and authority to require Fidelity Bonds to protect C.O.D. shipments and other similar shipments.

Section 14. The Commission in the exercise of the authority by this Act vested in it to supervise and regulate all motor transportation companies shall promulgate and mail or deliver to each holder of a certificate hereunder, such rules and regulations for the safety of passengers, members of the public and of those occupying or driving the vehicles of such motor transportation company as it may deem necessary to govern and control the operation of motor transportation companies over and along the public highways of this State and the equipment to be used. The Commission may at any time, for good cause, suspend, and upon at least ten days' notice to the grantee of any certificate, and an opportunity to be heard, revoke, any certificate issued under the provisions of this Act for the violation of any safety rule or regulation. Any such safety rules promulgated in addition to any others deemed necessary by the Commission shall include the following: (a) Every motor unit and all parts thereof shall be maintained in a safe condition at all times. And the lights and brakes and equipment shall meet such safety requirements as the Commission shall from time to time promulgate. (b) Every driver employed by a motor transportation company shall be at least twenty-one years of age, of temperate habits and good moral character, and shall be fully competent to operate the motor vehicle under his charge. (c) Accidents arising from or in connection with the operation of motor transportation companies shall be reported to the Commission in such detail and in such manner as the Commission may require. (d) The Commission shall require and every motor transportation company shall have attached to each unit or vehicle such distinctive marking or tags as shall be adopted by the Commission. (e) The Commission shall have the power and shall require such physical and mental examination of the drivers of motor vehicles as in its judgment are reasonably necessary.

Section 15. It shall be unlawful for any motor transportation company its officers or agents, subject to this Act, to require or permit any driver to be or remain on duty for a longer period than eight consecutive hours, or where service is not continuous, to be on duty more than eight hours in a spread of twelve hours. When one driver is relieved, he shall not be permitted or required to again go on duty until he has had eight hours off duty, except: (a) The second trip can be completed with an aggregate of not to exceed eight hours on duty for both trips, and (b) The second trip can be completed within twelve hours of the time he first went on duty for the first trip. These limits shall not be exceeded except in cases of accident or unforeseen emergency a driver may remain on duty not to exceed ten hours in a spread of fourteen hours, or for such time as will enable him to complete his regular run.

Section 16. Every owner, officer, agent or employee of any motor transportation company and every other person who violates or fails to comply with or who procures, aids or abets in the violation of any provision of this Act, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand or requirement of the Commission or who procures, aids or abets any corporation or person in his failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation thereof shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as for a misdemeanor. The Commission may at any time by its order entered after a hearing is had upon notice to the holder of any certificate hereunder and an opportunity to such holder to be heard at which it shall be proven to the satisfaction of the Commission that any holder wilfully violates or refuses to observe any of its proper orders, rules or regulations or any provision of this Act, suspend, revoke, alter or amend any certificate issued under the provisions of this Act, but the holder of any such certificate so suspended, revoked, altered or amended, shall have the same right of rehearing, review and appeal as to such order of the Commission as is provided for by law as to orders of the Commission in other matters within its jurisdiction.

Section 17. The orders and decisions of the Commission on the matters covered by this Act shall be reduced to writing and a copy thereof duly certified shall be served on the motor transportation company affected thereby through the United States mail, and such order and decision shall become operative and effective within twenty days after such service, unless otherwise ordered by the Commission, and such motor transportation company shall carry the provisions of said order into effect, unless said order is enjoined, superseded or set aside by a court of competent jurisdiction.

Section 18. The Commission shall have power, upon consultation with and the approval of the Governor, to employ such accountants, engineers, attorneys, experts, inspectors, clerks or other

employees as may be deemed necessary to carry out the provisions of this Act or to perform any other duties imposed by law upon the Commission. Such accountants engineers, attorneys, experts, inspectors, clerks or other employees shall receive compensation to be fixed by the Commission subject to the approval of the Governor. The Commissioners and their said employees shall have reimbursed to them all actual and necessary traveling and other expenses and disbursements necessarily incurred or made by them in the discharge of their official duty. The Commission may also incur necessary expenses for office furniture, stationery, printing and other incidental expenses. All money paid out under the provisions of this Act shall be paid out of the State Treasury on warrants drawn by the State Auditor on the State Treasurer and approved by the Governor.

Section 19. Every motor transportation company operating within this State under a certificate from the Commission is prohibited from engaging in inter line transportation with any other motor transportation company who has not received either certificate or approval of its operation from the Commission, where any part of such inter line transportation to be performed by the motor carrier not having such certificate or approval is within the State of Alabama.

Section 20. Every motor transportation company under the provisions of this Act must comply with the statutes of the State now or hereafter in force or effect with respect to the length, width, height and weight and type of tires of the motor vehicle and the load thereon while such motor vehicles are being operated on the public highways of the State and with the rules and regulations prescribed by the State Highway Commission of Alabama with respect thereto. And every such transportation company must comply with the rules and regulations adopted and prescribed by the court of county commissioners and/or board of revenue of the several counties of this State, prescribing a lower gross weight for motor vehicles being operated over the county highways and bridges of such county. If the matters included in this section are not regulated by statute nor by any rules or regulations of the State Highway Commission, then the Alabama Public Service Commission may prescribe the length, width, height and weight of any motor vehicle and the type of tires to be used thereon including the total length of one or more vehicles constituting a train and may prescribe such reasonable rules and regulations with reference thereto as in its judgment may be necessary and proper not inconsistent with the provisions of this Act.

Section 21. The expenses incurred under the provisions of this Act, when certified by the Commission or its President, and approved by the Governor, shall be paid on warrant drawn by the

proper officer in pursuance thereof, only out of monies in the State Treasury to the credit of the said "Motor Carrier Fund."

Section 22. To enable it to make such investigation as, in its opinion, the public interest requires, the Commission in its discretion, for a period not exceeding sixty days may suspend the operation of any new schedule of rates or service regulations filed with the Commission. Unless as a result of its investigation, the Commission otherwise orders before the termination of such period of sixty days, such rate or service regulation shall thereupon become effective. The Commission may make any order in the premises which it is authorized by any of the provisions of this Act to make in any investigation or complaint, or on its own motion without complaint.

Section 23. Upon a complaint made against any motor transportation company, by any person that any rate, service, regulation, classification, practice, or service in effect or proposed to be made effective is in any respect unfair, unreasonable, unjust, or inadequate, or unjustly discriminatory, or unduly preferential, or constitutes unfair competition or that the service is inadequate or cannot be obtained, the Commission shall proceed and without such complaint, the Commission, whenever it deems that the public interest so requires, may proceed after notice as hereinafter provided to make such investigation as it may deem necessary or appropriate; but no order affecting such rates, service, regulation, classification, practice or service complained of shall be entered by the Commission without notice and a hearing. Any motor transportation company may make complaint as to any matter within the provisions of this Act with like effect as though made by any other person.

Section 24. Whenever the Commission shall determine to conduct an investigation, either upon or without complaint, as in this Act provided for, it shall fix a time and place for public hearing of the matters under investigation. Before proceeding to make such investigation, the Commission shall give the motor transportation company and the complainant at least ten days notice of the time and place when and where such matters will be considered and determined, and all parties shall be entitled to be heard, through themselves or their counsel, and shall have process to enforce the attendance of witnesses. At the hearing held pursuant to such notice, the Commission may take such testimony as may be offered or as it may desire, and may make such other and further investigation as in its opinion is desirable.

Section 25. If, upon such investigation and hearing, the Commission shall find that any rate, service, regulation, classification, practice or service is unfair unreasonable, unjust or inadequate, or unjustly discriminatory or unduly preferential, or unfairly competitive, or that the service is inadequate, or cannot be obtained, it

may fix and order substituted therefor such rates, service, regulation, classification, practice or service as it shall determine to be just, reasonable, fair and adequate and if the findings of the Commission be that the rate, service, regulation, classification, practice or service investigated by it to be just, reasonable, fair and adequate it shall enter an order approving same. Any such orders shall be final orders within the meaning of this Act.

Section 26. Whenever after investigation in accordance with the provisions of this Act, the Commission shall be of the opinion that any provisions or requirement of this Act, or any order of the Commission is being, has been or is about to be violated, it may make and enter of record an order in the premises, specifying the actual or proposed acts or omission to act which constitute such real or proposed violation and requiring that such violation be discontinued or rectified, or both, or that it be prevented. No order, however, shall be made by the Commission affecting any rate or service except as otherwise specifically provided, unless or until a public hearing has been held in accordance with the provisions of this Act.

Section 27. It shall be unlawful, except as herein otherwise provided, for any motor transportation company to charge, demand, collect or receive a greater or less rate for any service performed by it within the state, or for any service in connection therewith than is specified in such schedule of rates and service regulations as may at the time be in force, or to demand, collect, or receive any rate not specified in such schedule of rates and service regulation except with the approval of the Commission. The rates and service regulations specified in such schedules shall be the lawful rates and service regulations until the same are changed as provided in this Act; nor shall any person, except as herein otherwise provided, receive or accept any service from a motor transportation company for a rate greater or less than that prescribed in such schedule.

Section 28. The Commission, by order, may require any motor transportation company or any officer or agent thereof, to produce within the State at such reasonable time and place as it may designate, any books, records, accounts or documents kept in any office or place without or within the State, or certified copies thereof, whenever the production thereof is reasonably required and pertinent to any matter before the Commission, in order that an examination thereof may be made by the Commission, or by any person employed by the Commission.

Section 29. Every motor transportation company doing business within the State shall maintain an office located in the State, in which shall be kept such books of account and such record of the business done in this State as the Commission shall require to be kept in the State.

Section 30. Every motor transportation company shall keep its books, papers and records accurately and faithfully according to the system of accounts and regulations prescribed by the Commission and shall comply with all reasonable direction of the Commission relating thereto.

Section 31. The Commission shall also examine and inspect or cause to be examined and inspected, at reasonable times and in a reasonable manner, under its authority, the books, records, accounts, motor vehicles and facilities of any motor transportation company insofar as the same may be pertinent to any matter before the Commission; provided that any person shall produce, when so required, his authority from the Commission, under the seal of the Commission, to make such examination or inspection.

Section 32. Motor transportation companies carrying passengers within this State may issue excusion, mileage or commutation tickets, provided such excursion, mileage or commutation tickets shall be obtainable by all persons applying therefor under like circumstances and conditions; and provided, further, that if special or reduced rates are granted under the provisions of this Act, said companies shall file with the Commission a statement setting forth the terms and conditions upon which they grant such special or reduced rates.

Section 33. Whenever the Commission shall make any order or determination, or issue any subpoena, notice or writ, notice thereof may be served on the person affected thereby, by delivering a copy of such order, subpoena, notice or writ, signed by or in the name of the president of the Commission to any such person or an officer or agent of such person, if a corporation, as in the case of civil process, which service may be executed by any member of the Commission, the Secretary or any employee thereof, or by any sheriff of the State, and a copy of such order, subpoena, notice or writ, with the service endorsed thereon, must be returned to the Commission and entered of record as a part of the proceedings and such endorsement and return shall be prima facie evidence that such order, subpoena, notice or writ has been duly served.

Section 34. Each of the Commissioners, and any employee designated as Examiner by the Commission, for the purposes mentioned in this Act, and in all hearings before the Commission, may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books and papers.

Section 35. In case of failure or refusal on the part of any person to comply with any order of the Commission or of any Commissioner, or any subpoena, or on the refusal of any witness to testify or answer as to any matter regarding which he may be lawfully interrogated, any circuit court in this State, or any judge thereof, on application of a Commissioner, may issue an attach-

ment for such person and compel him to apply with such order or to attend before the Commission and produce such documents and give his testimony upon such matter as may be lawfully required, and the court or judge shall have the power to punish for contempt as in cases of disobedience of a like order or subpoena issued by or from such court, or a refusal to testify therein.

Section 36. A substantial compliance by the Commission with the requirements of this Act shall be sufficient to give effect to all rules, orders, acts and regulations of the Commission, and they shall not be declared inoperative, illegal or void for any ommission of a technical nature, in respect thereto.

Section 37. No person shall be excused from attending and testifying or from producing books and papers before the Commission, or in obedience to the subpoena of the Commission, whether such subpoena be signed or issued by one or more of the members of the Commission in any investigation held by or before the Commission or in any cause or proceedings in any court by or against the Commission provided for in this Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may be required to testify or produce evidence, documentary or otherwise, before said Commission, or in obedience to its subpoena, or in any such cause or proceeding; provided, that no person testifying shall be exempted from prosecution and punishment for perjury committed in so testifying.

Section 38. Each witness who shall appear before the Commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State out of the Motor Carrier Fund upon the presentation of proper vouchers, sworn to by such witnesses and approved by the president of the Commission; but no witness subpoenaed at the instance of parties other than the Commission shall be entitled to compensation from the State for attendance and travel.

Section 39. Unless a different time be prescribed by the Commission, every order of the Commission shall be effective twenty days after service thereof, and shall be served immediately after its entry of record, upon every party required to obey the same.

Section 40. Every order of the Commission shall be in writing, and in cases of importance may be accompanied by an opinion, setting forth in brief, the facts on which the Commission has based its order. The Commission shall provide for the assembling and publication, from time to time, of its opinions and orders.

Section 41. Any person who willfully makes any false return or report to the Commission, or to any member, agent or employee thereof, and any person who knowingly aids or abets such person, is guilty of a felony, and upon conviction shall be imprisoned as the court may direct, for a term not exceeding five years.

Section 42. Any person who willfully makes any false entry in the accounts or records, prescribed by the Commission for any motor transportation company, or willfully destroys, mutilates or by any other means willfully falsifies such accounts or records, or willfully neglects or fails to make full, true and correct entries of all facts and transactions appertaining thereto, is guilty of a felony, and upon conviction shall be imprisoned, as the court may direct, for a term not exceeding five years.

Section 43. Any regular or special employee of the Commission who divulges any fact or information coming to his knowledge respecting any inspection, examination or investigation of any account, record, memorandum, book or paper, or of the property and facilities of a motor transportation company, except insofar as he may be authorized by the Commission or a court of competent jurisdiction, or a judge thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars.

Section 44. Any person who knowingly makes any false statement of a material fact under oath, whether oral or in writing, as required by this Act, is guilty of perjury, and upon conviction shall be punished as provided for in the perjury statutes of the State.

Section 45. Any penalty of forfeiture imposed, declared or implied under the provisions of this Act may be enforced by a civil action at the suit of the State, and the Commission may institute and prosecute, or cause to be instituted and prosecuted, such action for the enforcement of such penalties or forfeitures to the State.

Section 46. From any final action or order of the Commission in the exercise of the jurisdiction, powers and authority conferred upon the Commission by this Act, an appeal shall lie to the circuit court of the County in which the respondent resides, sitting in equity, and thence to the Supreme Court of Alabama. Such appeals must be taken within thirty days after the date of such final action or order, and such appeals and the supersedeas and stay of the action or order appealed from in other respects shall be governed by the provisions of law now in force or hereafter enacted respecting appeals in other cases from the orders and actions of the Commission.

Section 47. No preliminary injunction or interlocutory order, or decree, or process suspending or restraining or affecting the en-

forcement of any action, order or determination of the Commission shall be granted by any judge or court, except upon hearing, after at least five days' notice to the Commission.

Section 48. It shall be the duty of courts of competent jurisdiction to entertain and determine all actions commenced under provisions of this Act, and to enforce the provisions of the Act, or of any order of the Commission, by mandamus, or by injunction, or by any other appropriate remedy.

Section 49. Any person who violates or fails to comply with any provision of this Act, or who fails to obey, observe or comply with any lawful order, decision, rule or regulation, direction, demand, or requirement, or any part or provision thereof of the Commission, or who aids or abets any person in failure to observe or comply with any such order, direction, decision, rule, demand or requirement, or any part or provision thereof, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Fifty Dollars ($50.00) and not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment in the discretion of the court. The members of the commission and such of their employees as may be designated by them to assist the Commission in the performance of their duties under this Act shall be entitled to free transportation within the state, upon any motor vehicle of any motor transportation company coming under the jurisdiction of the Commission under this Act." No motor transportation company subject to the provisions of this Act shall issue or give any free tickets, free passes or free transportation for passengers or property except to employees devoting their entire time to such motor transportation company's services and the dependent members of their families and to attorneys and surgeons regularly employed by such motor transportation company and to members of the Commission and such of their employees as may be designated by them to assist the Commission in the performance of their duties under this Act."

Section 50. Neither this Act nor any provision thereof shall be applied or be construed to apply to interstate or foreign commerce except insofar as the same may be permitted or authorized under the Constitution of the United States and the Acts of the Congress of the United States, now in force or hereafter enacted.

Section 51. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the Act; but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which judgment has been rendered.

Section 52. No provision of this Act shall authorize the use by any motor transportation company of any public highway in any municipality in violation of any charter provision or be construed as in any manner taking from or curtailing the right of any city, town or village to regulate and control the routing, parking, speed, or the safety of operation of a motor vehicle operated by any motor transportation company under the terms of this Act, or the general police power of any such city, town or village over its highways; nor shall this Act be construed as abrogating any provision of the charter of any such municipality requiring certain conditions to be complied with before such motor transportation company can use the highways of such city, town or village and such rights and powers herein stated are hereby expressly reserved and granted to such city.

Section 53. The requirements of this Act shall not apply to motor transportation operators engaged solely in the transportation of freight or property originating at and destined to points within the corporate limits of the same city or town, or within the police jurisdiction thereof. No provision of this Act shall be so construed as to deprive any municipality within this State of its right to control and police the use of its streets, or of its right to regulate all motor vehicles operating within its corporate limits, or within the police jurisdiction thereof.

Section 54. For the extra, new and additional duties imposed upon the Commission and the members thereof by this Act, and for the performance of the duties which are and will be hereafter required of said Commission and the members thereof hereunder, each member of the Commission shall receive One Thousand dollars annually, to be paid monthly as the salaries of other officers are paid, only out of monies in the State treasury to the credit of the said Motor Carrier Fund, as provided in this Act, which is to take the place of said sum now received by each member of said Commission under the Alabama Motor Carrier Act of 1927, which Act is hereby repealed.

Section 55. When a person is engaged in business, a portion of which business is that of a motor transportation operator as herein defined, the provisions of this Act shall apply to such portion of his business, even though the remainder may not be subject to the provisions hereof.

Section 56. The Commission shall have power hereunder, either upon its own motion, or upon complaint, to investigate any transportation of persons or property by motor vehicle over the public highways of this State to determine whether the person engaged therein is in substance a motor transportation company as defined under this Act, after reasonable notice to such person and hearing, and if upon such hearing the Commission finds that the person engaged in such transportation is in substance a motor

transportation company, he shall be subject to the provisions hereof, and before continuing such transportation, he is required to comply in all respects with the provisions hereof.

Section 57. All passenger stations operated or kept by any motor transportation company shall have separate waiting rooms or space and separate ticket windows for the white and colored races but such accommodations for the races shall be equal. All motor transportation companies or operators of vehicles carrying passengers for hire in this State, whether intra-State or inter-State passengers, shall at all times provide equal but separate accommodations for the white and colored races, by providing separate vehicle or separate compartments on each vehicle or by dividing the vehicle by a partition constructed of metal, wood, strong cloth or other material as to obstruct the vision between the sections, and shall also distinguish the separate sections for the separate accommodation of the races. The conductor or agent of the motor transportation company in charge of any vehicle is authorized and required to assign each passenger to the division of the vehicle designated for the race to which such passenger belongs; and if the passenger refuses to occupy the division of the vehicle, to which he is so assigned by the conductor or agent of such motor transportation company, such conductor or agent of such motor transportation company may refuse to carry such passenger on said vehicle, and for such refusal neither the conductor or agent of the motor transportation company, nor the motor transportation company shall be liable in damages, but this section shall not apply to cases of white or colored passengers entering this State upon vehicles under contracts for their transportation made in another State where like laws to this do not prevail. Any motor transportation company or person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred Dollars ($500.00) for each offense and each day's violation of the same shall constitute a separate offense.

Section 58. That all motor transportation companies carrying passengers for hire in this State for the comfort and accommodation of its passengers, must have, when required by the Public Service Commission, at each of the passenger stations along the route usually travelled by or over which such company operates, sufficient sitting or waiting rooms, to be determined by the Commission, for passengers waiting for vehicles, having regard to sex and race, which shall be suitably heated in cold weather and supplied with sufficient fresh drinking water, when passengers waiting for vehices are present, and with sufficient and comfortable chairs or seats; and connected therewith a sufficient number of comfortable privies or water closets, to be at all times kept clean;

and in a conspicuous place at such station a bulletin board showing the schedule time of the arrival and departure of all passenger buses.

Section 59. That any incorporated city or town in this State shall have the right, by proper ordinance, to tax and collect reasonable privilege licenses or taxes from all motor transportation companies as defined by this Act where such motor transportation company does business in said town or city by receiving passengers or freight for transportation for hire from said city or town to another point in Alabama or from other points in Alabama to said city or town, provided, however, that said privilege license or tax shall not exceed the sum of Twenty-Five Dollars ($25.00) in incorporated cities or towns of less than five thousand (5,000) inhabitants and that said privilege license or tax shall not exceed the sum of One Hundred Dollars ($100.00) in incorporated cities or towns of over five thousand inhabitants and less than twenty-five thousand inhabitants; and that said privelege license or tax shall not exceed the sum of Two Hundred Dollars ($200.00) in incorporated cities or towns of more than twenty-five thousand and less than one hundred thousand inhabitants; and that said privilege license or tax shall not exceed the sum of Three Hundred ($300.00) in incorporated cities or towns of over one hundred thousand inhabitants; that the population shall be computed on the Federal Census of 1930 or any subsequent Decennial Federal Census.

Section 60. The Commission is given power and authority to make such general rules and regulations not inconsistent herewith, by general order or otherwise, as may be necessary to carry out the provisions of this Act.

Section 61. This Act shall be known as and may be cited as the "Alabama Motor Carrier Act of 1931."

Section 62. The Act known as the "Alabama Motor Carrier Act of 1927" be and the same is hereby repealed.

Section 63. All laws or parts of laws in conflict or inconsistent with the provisions of this Act are hereby repealed.

Section 64. Sub-section (b) of section 3 of an Act approved August 25, 1927 be, and is hereby repealed.

Section 65. This Act shall be effective thirty days after its approval by the Governor.

Approved June 19, 1931.

No. 275.) (H. 385—Holland.

AN ACT

To provide for the payment of expenses of publication of notice of intention to introduce a local bill in the Legislature:

Be it Enacted by the Legislature of Alabama:

Section 1. That the expense heretofore or hereafter incurred in the publication of the intention to introduce a local bill in the Alabama Legislature shall be paid, by the county affected thereby, out of the general funds of said county; provided that in counties having two judicial divisions, in each of which regular terms of circuit court are held, such publication may be made in both of such divisions at the expense of the county. "Provided that such Bills are introduced, passed and become Law."

Section 2. The provisions of this Act shall become effective immediately upon its approval by the Governor.

Approved June 18, 1931.

No. 276.) (H. 481—Taylor.

AN ACT

To amend Subdivision 4 of Section 231 of the Code.

Be it Enacted by the Legislature of Alabama:

1. Subdivision 4 of Section 231 of the Code of Alabama is hereby amended so as to read as follows: 4. Compensation of the members of the court of county commissioners or boards of revenue, and the clerks thereof; the fees and compensation of the probate judge, the sheriff, tax assessor, clerk of the circuit court, court house employees, road patrol officers, Jail Matron, jury commissioners and deputy solicitor for services performed by them, and authorized to be paid to them by law, and claims of the secretary of state for certified copies of field notes.

Approved June 18, 1931.

No. 277) (H. 497—Poole.

AN ACT

To amend Section 24 of an Act entitled, "An Act in reference to and to further provide for the General Revenue of the State of Alabama." (Approved July 22, 1927.)

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 24 of an Act entitled, "An Act in reference to and to further provide for the General Revenue of the

State of Alabama," (Approved July 22, 1927), be and the same is hereby amended so as to read as follows: "Section 24. ELECTRIC PUBLIC UTILITIES. Each person, firm or corporation operating an electric public utility shall pay to the State a license tax equal to four mills of each dollar of gross receipts of such public utility for the preceding year. For the first year's business where an existing electric public utility is taken over such license tax payable to the State shall be equal to four mills on each dollar of the gross receipts for the preceding year of the electric utility taken over, less whatever sum the prior operators shall have paid as such license tax on the gross receipts for that year. Where no existing electric public utility is taken over, the license tax for the first year upon such utility shall be based upon the first year's business, but shall in no event be less than One Hundred Dollars ($100.00) for the first year's business. Any person, firm or corporation establishing a new electric public utility shall pay to the State the sum of One Hundred Dollars ($100.00) and shall also at the same time execute a bond payable to the State of Alabama to insure payment of whatever sum in addition to such One Hundred Dollars may be due when, at the end of the first year, the amount of gross receipts for that year is ascertainable. Such license tax shall be paid to the Probate Judge of the County where such electric public utility has its principal office as designated by its charter, and the application for such license shall be accompanied by a statement made by the president or manager of the public utility or by the owner thereof, giving the name of the person, firm or corporation owning and operating such public utility and the principal place of business thereof, together with a statement under oath of the amount of gross receipts of such public utility for the preceding year. The books of every person, firm or corporation operating such public utility shall be at all times open to the inspection of the State Tax Commission. Any person failing to make such sworn statement or wilfully making a false statement of the gross receipts of such public utility shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined not exceeding Five Hundred Dollars ($500.00), and shall also forfeit to the State three times the amount of the license for such public utility; but no license under this schedule shall be paid to the county or counties. The foregoing license tax shall be two mills on each dollar of gross receipts after December 31, 1935."

Section 2. That this act shall become effective on January 1st, 1932.

Approved June 18, 1931.

No. 278) (H. 498—Poole.

AN ACT

To amend Section 56 of an Act entitled, "An Act in reference to and to further provide for the General Revenue of the State of Alabama," (Approved July 22, 1927).

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 56 of an Act entitled, "An Act in reference to and to further provide for the General Revenue of the State of Alabama," (Approved July 22, 1927), be and the same is hereby amended so as to read as follows: "Section 56. On and after December 31, 1935, the franchise tax exacted of domestic and foreign corporations shall be One Dollar on each One Thousand Dollars of capital stock in the case of domestic corporations, and One Dollar on each One Thousand Dollars of the actual amount of capital employed in this State by foreign corporations."

Approved June 18, 1931.

No. 279) (H. 525—Sanderson.

AN ACT

To amend Sections IV, VII, and VIII of an Act approved August 27, 1927, General Acts of Alabama 1927, page 335, entitled: "An Act to define, regulate and license real estate brokers and real estate salesman; to create a State Real Estate Commission; and provide a penalty for the violation of the provisions hereof."

Be it Enacted by the Legislature of Alabama:

Section 1. That Sections IV, VII, and VIII of An Act approved August 27, 1927, General Acts of Alabama 1927, page 335, entitled: "An Act to define, regulate, and license real estate brokers and real estate salesman; to create a State Real Estate Commission; and to provide a penalty for the violation of the provisions hereof," be and the same hereby are amended so as to read as follows:

Section IV. Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof has been presented to the Board. An applicant for a real estate broker's license shall prove his competency to the Commission by the taking of an examination prescribed by the Board either in written form or by oral questionnaire; said examination relating to the principles of real estate practice and of business ethics pertaining thereto, and said applicant in addition to the original li-

cense fee shall pay an examination fee of Five Dollars ($5.00), which examination fee shall cover all examinations prior to the issuance of such original broker's license. The applicant must be a person whose application has not been rejected in this or any other State within two years prior to date of application.

Section VII. The Commission shall issue to each licensee a license in such form and size as shall be prescribed by the Commission. This license shall show the name and address of the licensee and in case of a real estate salesman's license, shall show the name of the real estate broker by whom he is employed. Each license shall have imprinted thereon the seal of the Commission, and in addition to the foregoing shall contain such matter as shall be prescribed by the Commission. The license of each real estate salesman shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed, and shall be kept in the custody and control of such broker. It shall be the duty of each real estate broker to conspicuously display his license in his place of business. The Commission shall prepare and deliver to each licensee a pocket card, which card, among other things, shall contain an imprint of the seal of the Commission, and shall certify that the person whose name appears thereon is a licensed real estate broker or real estate salesman, as the case may be, and if it is a real estate salesman's card, it shall also contain the name and address of his employer. The matter to be printed on such pocket card, except as above set forth, shall be prescribed by the Commission. The following fees or licenses shall be paid: (a) In all counties of the State of Alabama now having, according to the last Federal Census, as many as seventy-five thousand (75,000) population, and in all counties that may hereafter have as many as seventy-five thousand (75,000) population, according to any subsequent Federal Census, the following fees or licenses shall be paid: The original fee for each real estate broker's license shall be Fifteen ($15.00) Dollars, and the annual renewal fee shall be Ten ($10.00) Dollars. The original fee for each real estate salesman's license shall be Ten ($10.00) Dollars, and the annual renewal fee shall be Five ($5.00) Dollars. Provided, that when a co-partnership, association or corporation shall have paid an original fee of Fifteen ($15.00) Dollars or a renewal fee of Ten ($10.00) Dollars, and shall have designated one of its members or officers as hereinafter provided in this Section, the fees payable by any other member or officer actively engaged in the real estate business of such co-partnership, association or corporation, shall be Ten ($10.00) Dollars for the first registration fee and Five ($5.00) Dollars for the renewal fee, for which a salesman's license shall be issued, but any such member or officer shall be entitled to a broker's license upon the payment of the usual fee therefor. (b) In all counties of the State of Alabama now having, according to the last Federal

Census, less than seventy-five thousand (75,000) population, and in all counties that may hereafter have less than seventy-five thousand (75,000) population, according to any subsequent Federal Census, the following fees or licenses shall be paid: The original fee for each real estate broker's license shall be Ten Dollars ($10.00) and the annual renewal fee shall be Five Dollars ($5.00). The original fee for each real estate salesman's license shall be Five Dollars ($5.00) and the annual renewal fee shall be Two and 50/100 Dollars ($2.50). Provided, that when a co-partnership, association or corporation shall have paid an original fee of Ten Dollars ($10.00) or a renewal fee of Five Dollars ($5.00), and shall have designated one of its members or officers as hereinafter provided in this section, the fees payable by any other member or officer actively engaged in the real estate business of such co-partnership, association or corporation shall be Five Dollars ($5.00) for the first registration fee, and Two and 50/100 Dollars ($2.50) for the renewal fee, for which a salesman's license shall be issued, but any such member or officer shall be entitled to a broker's license, upon the payment of the usual fee therefor. The licenses herein provided for shall be due and payable on the first day of October of each year. When a real estate broker's license is granted to any co-partnership or association, consisting of more than one person, or to any corporation, this shall entitle the co-partnership, association or corporation to designate one of its members or officers, who upon compliance with the terms of this Act shall without payment of any further fee, upon issuance of said broker's license, be entitled to perform all of the acts of a real estate salesman contemplated by this Act. The person so designated, however, must make application for a salesman's license, which application shall accompany the application of the real estate broker, and be filed with the Commission at the same time. If, in any case, the person so designated by a real estate broker shall be refused a license by the Commission, or in case such person ceases to be connected with such real estate broker, said broker shall have the right to designate another person who shall make application as in the first instance. Each real estate broker's license which may be granted to an individual shall entitle such individual to perform all of the acts contemplated by this Act without any application upon his part and without payment of any fee other than the real estate broker's annual fee. Every license shall expire on the thirtieth (30) day of September of each year. The Commission shall issue a new license for said ensuing year, in the absence of any reason or condition which might warrant the refusal of the granting of a license, upon receipt of the written request of the applicant and the annual fee therefor, as herein required. The revocation of a broker's license shall automatically suspend every real estate salesman's license granted to any person

by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge, if granted during the same year in which original license was granted. Every real estate broker shall designate a place of business in this State. If the real estate broker maintains more than one place of business within the State, a duplicate license shall be issued to such broker for each branch office maintained. Provided, that if such broker be a co-partnership, association or corporation, a duplicate shall be issued to the members or officers thereof, and a single fee of One ($1.00) Dollar in each case shall be paid for each duplicate license. Notice in writing shall be given to the Commission by each licensee of any change of principal business location, whereupon the Commission shall issue a new license for the unexpired period without charge. The change of business location without notification to the Commission shall automatically cancel the license theretofore issued. When any real estate salesman shall be discharged or shall terminate his employment with the real estate broker by whom he is employed, it shall be the duty of such real estate broker to immediately deliver or mail by registered mail to the Commission such real estate salesman's license. The real estate broker shall at the time of mailing such real estate salesman's license to the Commission, address a communication to the last known residence address of such real estate salesman, which communication shall advice such real estate salesman, that his license has been delivered or mailed to the Commission. A copy of such communication to the real estate salesman shall accompany the license when mailed or delivered to the Commission. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this Act either directly or indirectly under the authority of said license from and after the date of receipt of the said license from said broker by the Commission; provided, that another license shall not be issued to such real estate salesman until he shall return his former pocket card to the Commission or shall satisfactorily account to it for the same. Provided, further, that not more than one license shall be issued to any real estate salesman for the same period of time.

Section VIII. The Commission may upon its own motion and shall upon the verified complaint in writing of any one person, provided such complaint, or such complaint together with evidence, documentary or otherwise, presented in connection therewith, shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesman, or any person who shall assume to act in either such capacity within this State, and shall have the power to suspend or to revoke any license issued under the provisions of this Act, at any time where the license has by false or fraudulent representation obtained a license, or where

the license in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of: (a) making any substantial misrepresentation, or (b) making any false promises of a character likely to influence, persuade or induce, or (c) pursuing a continued and flagrant course of misrepresentation or making of false promises through agents or salesman or advertising or otherwise, or (d) acting for more than one party in a transaction without the knowledge of all parties for whom he acts or (f) representing or attempting to represent a real estate broker other than the employer, without the express knowledge and consent of the employer, or (g) failing, within a reasonable time, to account for or to remit any moneys coming into his possession which belong to others, or (h) being unworthy or incompetent to act as a real estate broker or salesman in such manner as to safeguard the interests of the public or (i) paying a commission or valuable consideration to any person for acts or services performed in violation of this Act, or (j) any other conduct, whether of the same or a different character from that hereinbefore specified, which constitutes improper, fraudulent, or dishonest dealing. Any unlawful act or violation of the provisions of this Act by any real estate salesman, employee, or partner or associate of a licensed real estate broker, shall not be cause for the revocation of a license of any real estate broker, partial or otherwise, unless it shall appear to the satisfaction of the Commission that said employer, partner, or associate had guilty knowledge himself.

Section 2. This Act shall be effective immediately upon approval of the Governor, or upon its otherwise becoming a law under Section 125 of the Constitution.

Approved June 18, 1931.

No. 280.) (H. 673—Parker.

AN ACT

To amend Section 3739 of the Code of Alabama of 1923

Be it Enacted by the Legislature of Alabama:

Section 1. That section 3739 of the Code of Alabama of 1923 be and the same is hereby amended so as to read as follows: 3739. (6635) (4562) (4869) (5041) (4337) FEES OF CIRCUIT COURT CLERKS. Clerks of the Circuit Courts are entitled to the following fees in criminal cases—that is to say: For docketing each cause, to be charged but once—$.10 For issue of any writ, scira facias, or notice—.50 Each subpoena issued—.25 Each continuance—.25 Entering recognizance—.50 For each trial—.50 Entering judgment against each defendant—.25 Entering sentence

against each defendant—.25 Issue of each execution—.50 Each entry of the discharge of bail on surrender of the principal, to be paid by the bail—.50 Entering order of removal of trial, and the incidents of such removal—1.00 Making transcript and certificate, for each hundred words—.15 Entry of forfeiture against defendant —.50 Final judgment of forfeiture against defendant—.50 Entry of Forfeiture against witness or juror, each—.25 Final record, for each one hundred words—.15 Record for Supreme Court, for each one hundred words—.15 Record for Court of Appeals, for each hundred words—.15 Certifying same—.25 For recording indictments and making certified copies thereof, under Sections 4549 (7154) and 4553 (7158), to be taxed as a part of the costs in the case—.25

Section 2. That all laws or parts of laws, whether special, general or local, in conflict with this act, are hereby repealed.

Section 3. This act shall become effective from its passage.

Approved June 18, 1931.

No. 281.) (H. 781—McElderry.

AN ACT

To amend Section 582 of the Alabama School Code.

Be it Enacted by the Legislature of Alabama:

That Section 582 of the Alabama School Code be and the same is hereby amended to read as follows: 582. OBJECT OF THE SCHOOL.—The object of such school shall be to afford the means of education to the deaf and the blind of the State. All deaf and all blind children of the State, between the ages of seven and twenty-one who are of sound mind, free from disease, and of good character, may be admitted to the benefits of this school. All applicants must make satisfactory proof to the superintendent that they are citizens of the State, and that they are proper candidates for admission. Proof may be made by the applicant in person or by next best friend, or by affidavit of any person cognizant of the facts, before the Probate Judge or Notary Public. The length of time which any pupil may continue in school shall not exceed twelve years. Provided, however, that the Board of Trustees may increase the term of a pupil from year to year upon recommendation of the superintendent, to not exceeding four additional years, and no pupil shall be retained in school after having passed the age of twenty-five. No pupil shall be retained in school after it has been ascertained that such pupil has ceased to make progress or is not being benefited. Any pupil may be dropped at any time for cause by the Board of Trustees.

Approved June 18, 1931.

No. 283.) (S. 268—Duncan.

AN ACT

To authorize and empower the County Commissioners, Boards of Revenue, Courts of County Revenues or Boards or Courts of like power in any county in a Judicial Circuit composed of three counties, and having one Circuit Judge, where the total population of said Circuit is not less than 65000 and not more than 72000, according to the last preceding or any subsequent Federal census, to contract with the Court reporter of said Judicial circuit, to report testimony in Equity cases in the Court of such county, to provide for the disposition of the fees for such reporting, and to fix the compensation supplementary and in addition to the salaries paid to such Court reporters by the Judicial Circuits of the State, in consideration of said reporter reporting testimony in certain Equity cases, certain preliminary trials and habeas corpus and contested will cases before Probate Judges.

Be it Enacted by the Legislature of Alabama:

Section 1. That the County Commissioners, Boards of Revenue, Courts of County Revenues or other boards or Courts of like power and jurisdiction in any county in a Judicial Circuit composed of three counties, and having one Circuit Judge, where the total population of said Circuit is not less than 65000 and not more than 72000, according to the last preceding or any subsequent Federal census, be and are authorized to contract with the Court reporter of such Judicial circuit, to report testimony in Equity cases in the Courts of such county; and to fix the compensation supplementary and in addition to the salaries paid to such Court reporters by the Judicial Circuits of the State, in consideration of said reporter reporting testimony in Equity cases, preliminary trials of capital felonies and habeas corpus and contested will cases before Probate Judges.

Section 2. That upon the said County entering into said contract to pay said supplementary compensation, the Official Court Reporter of such circuit, shall, in addition to the duties now required by law of Court reporters, attend and officially report all habeas corpus and contested will cases before Probate Judges, and the preliminary hearings of all capital felony cases tried in the County, and upon demand of the solicitor of said circuit thereof, such reporter shall within thirty days after such demand, furnish the solicitor of said circuit a typewritten transcript of such preliminary hearing, no charge to be made by such reporter for such transcript so furnished to said solicitor; provided, however, that such court reporter shall not be required to furnish a transcript or any part thereof to any defendant in said preliminary trial or hearing except upon the payment of the transcript fee of ten cents per hundred words. In addition to the duties now required of the Court reporter he shall, in all Equity cases, take the testimony, upon the order of the presiding judge of such circuit, and shall

transcribe his stenographic notes of such testimony, and file the same in the case, and for such transcript of his stenographic notes the Court reporter shall charge a fee of ten cents per hundred words therefor, which fee shall be taxed as a part of the costs in the case, and when collected by the Register of said court, shall be paid into the County treasury of the county in which such case is tried.

Section 3. That said contract of said Courts of County Commissioners or Boards of Revenue, or courts or boards of like power and jurisdiction shall designate the time for which it shall continue, and the compensation agreed to be paid, and such compensation shall be paid in monthly installments by warrant drawn by the Probate Judge or Chairman of the Boards of Revenue or Court of County Commissioners.

Section 4. This act shall be and become effective and go into force from and after its passage.

Approved June 18, 1931.

No. 298.) (S. 459—Teasley.

AN ACT

To amend Section 16 of an Act "To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government" Approved March 4, 1931.

Be it Enacted by the Legislature of Alabama:

That Section 16 of an Act "To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as forty thousand and less than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken; to regulate the selection or nomination and election of Commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the elections, primaries and petitions hereunder; to abolish police Commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government," ap-

proved March 4, 1931, be amended so as to read as follows: Section 16. Whenever any vacancy shall occur in the office of the president of the board or any other commissioner of any city organized under the terms of this act then the remaining commissioner of such city shall order an election to be held not less than sixty, nor more than ninety days from the date such vacancy occurs, at which election a successor to said office for his unexpired term shall be voted for. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in such city. Any person desiring to become a candidate for such office at such election shall qualify as provided herein and upon his so doing his name shall be placed upon the official ballot used in said election. The person who shall be elected to such office at such election shall qualify for office as soon as practicable and shall hold office for the unexpired term of his predecessor. Provided that whenever any vacancy shall occur in the office of the president or commissioner of any city organized under the terms of this act within twelve months prior to the general city election as provided by said Act, by reason of death, resignation or removal, then the successor of such commissioner so dying, resigning or removed, shall be elected by the two remaining members of the Board of Commission of such City within thirty days from the date of the death, resignation or removal of such president or commissioner so dying, resigning or removed and such successor shall serve for the unexpired term of his predecessor. Every person who shall be elected to the office of president or commissioner in any such city under the provisions of this act shall qualify for office as soon as practicable after such election, and shall be clothed with all the duties, responsibilities and powers of such office immediately upon such qualifications. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved June 18, 1931.

No. 299.) (H. 820—Snodgrass.

AN ACT

In Reference to, and to Further Provide for the General Revenues of the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1: Any corporation that has, prior to February 1, 1931, filed its application in the office of the Secretary of State of the State of Alabama for a permit to do business in Alabama, accompanied by proper amount of money, as provided by Sections 42 and 43 of an Act in Reference to and to Further Provide for the

General Revenue of the State of Alabama, Approved July 22, 1927, and has not received permit as provided by said Act, shall on or before July First 1931, procure from the State Tax Commission a permit as provided in Sections 42 and 43 of an Act in Reference to and to Further Provide for the General Revenue of the State of Alabama, Approved July 22, 1927, and shall have the right to withdraw the application heretofore filed with the Secretary of State, and cancel and stop payment of the remittance accompanying said application to the Secretary of State, and said applications for permits to do business in Alabama for the year 1931 heretofore filed prior to February 1, 1931, with the Secretary of State, under which permits have not been received, be, and the same are declared null and void. No foreign corporation, its agents, officers or servants shall transact any business for or in the name of such corporation within the State of Alabama after July First, 1931, without having first procured said permit, and all contracts, engagements or undertakings, or agreements with, by or to such corporation made after July First, 1931, without obtaining such permit, shall be null and void. Any domestic corporation failing to file its application for and pay the franchise tax required by law on or before July First, 1931, as herein provided, shall subject said corporation to a penalty of Ten Dollars a day for each day's failure after July First, 1931, which penalty may be collected in one and the same suit in the name of the State against any party liable therefor. Provided that for good cause entered of record, the State Tax Commission may remit the penalties against any party liable therefor on filing the required report and payment of the franchise tax due, but not otherwise. Any and all permits issued by the State Tax Commission in pursuance of this Act shall have the same force and effect in every way as if said permit had been issued during the month of January, 1931, by the Secretary of State, as provided by Sections 42 and 43 of An Act in Reference to and to Further Provide for the General Revenue of the State of Alabama, Approved July 22, 1927; and all permits heretofore issued in pursuance of An Act Approved February 21, 1931, to amend Sections 42 and 43 of An Act in Reference to and to Further Provide for the General Revenue of the State of Alabama, Approved July 22, 1927, shall have the same force and effect as if issued by the Secretary of State in January, 1931.

Section 2: All laws and parts of laws in conflict with this Act shall be and hereby are repealed, and this Act shall go into effect immediately upon its approval.

Approved June 23, 1931.

No. 300.) (H. 864—McElderry

AN ACT

To provide for and regulate the assessment, levy and collection of municipal taxes of cities which now have a population of not less than 6500 nor more than 15000 inhabitants according to the latest Federal Census or which may hereafter have such population according to any Federal census hereafter taken, and to define the duties of the State, County and Municipal offices in regard thereto, and to fix the tax year for such cities, and to make the County Tax Collector of the counties in which such cities are situated ex officio Collector of the property taxes for such cities.

Be it Enacted by the Legislature of Alabama:

Section 1. The tax year for all cities in Alabama which now have a population of not less than 6500 nor more than 15000 inhabitants according to the latest Federal census, or which may hereafter have such population according to any Federal census hereafter taken, shall commence on the first day of October of each year and end on the thirtieth day of the next succeeding September, and on and after the first day of October, 1932 the municipal taxes shall be due such cities for the tax year in advance on the first day of October of each tax year, and shall be delinquent at the time when the State and County taxes for the next preceding tax year are delinquent.

Section 2. The municipal taxes due and payable to such cities during the tax year 1931 shall be collected under and in accordance with the laws existing at the time this Act goes into effect, but from, on and after the 1st day of October, 1932 no municipal taxes of such cities shall be due or collectable except under the provisions of this Act.

Section 3. It shall be the duty of the council, board of commissioners, or other governing body of such cities during the month of May, 1932, and hereafter during the month of May of each year, by resolution or ordinance, to levy a tax on the property situated in such cities for the next succeeding tax year at a rate in no event in excess of the constitutional limit authorized to be levied by such cities on the value of such property as assessed for State taxation as shown by the books of assessment for the State and County tax year ending the 30th day of September next succeeding the levy. The levy so made by the council, board of commissioners, or other governing body of such cities shall go into force and effect as of the 1st day of October next succeeding the levy and shall become a lien only on the 1st day of October next succeeding such levy. After such levy is made it shall be the duty of the Mayor or presiding officer or clerk or other clerical officer of such cities on or before the 1st day of June next succeeding the levy to certify and deliver to the Tax Assessor of such County in which such cities are situated a copy of the resolution or ordinance passed by such city

council, board of commissioners or other governing body in and by which taxes are levied for such cities for the next succeeding tax year commencing on the first day of the next succeeding October, provided in case such city council, board of commissioners or other governing body shall fail any year after the year 1932 to make such levy and give such notice then the levy for the preceding year shall be continued and the taxes shall be assessed in accordance with such levy.

Section 4. The tax collector of the counties in which such cities are situated shall on and after the 1st day of October 1932 be ex officio the tax collector of such cities, and he shall collect all property taxes for such cities at the same time and in the same manner and way under the same laws that State and County taxes are collected.

Section 5. From and after the 1st day of October, 1932 such cities, subject to the lien of the State and County taxes, shall have a lien from, on and after the 1st day of October of such municipal tax year upon each and every piece and parcel of property, real and personal, for the payment of municipal taxes for that tax year which may be assessed against the owners or upon such property for the use of such cities, which lien shall have priority over all other liens except for State and County taxes, and this lien shall exist as to all land bid in by the State at tax sales, for the annual tax thereafter assessed on the value of the property so purchased, in the event of the tax title failing.

Section 6. It shall be the duty of the tax assessor of each and every county in which such cities are situated on and after the 1st day of October, 1931 to show on the assessment list made or taken by him under the provisions of law as now applicable to State and County taxes what property, if any, described in the lists, is situated within such cities, and the assessor shall ascertain the value of each item, or subject of taxation, situated in such cities separately from the value of each item not within such cities in such a way as to make of easy ascertainment the assessed value of property within such cities.

Section 7. It shall be the duty of the State Auditor in preparing the form of assessment required by law to make the provisions for the assessor to indicate in the assessment list what property assessed, if any, is situated in such cities, and in the abstract of duties placed on such form the Auditor may place instructions to the assessor such as will advise him of his duty in making assessments of property subject to municipal taxation.

Section 8. After the 1st day of October, 1931, the book required to be made by the County tax assessor under the provisions of law shall also show the property subject to municipal taxes in such cities, and shall be so ruled that the amount of such city taxes charged to each tax payer or against property in favor of such cities

for the next succeeding municipal tax year on the assessed value of the then current State tax year, can be entered and extended and footed up, and the footings carried from page to page, and the total amounts thereof, and footed up so as to show the amount of taxes to be paid by such cities.

Section 9. After the municipal taxes have been levied by the council, board of commissioners or other governing body of such cities and certified to the tax assessors of the counties in which the same are situated for the next succeeding tax year beginning on the 1st day of the next succeeding October, the assessor must compute the amount thereof, at the rate levied by the city council, board of commissioners or other governing body of such cities, as shown by the certified copy furnished the assessor, of the resolution or ordinance passed, which will be owing by such tax-payer to such cities on the assessed value of the property for the then current State tax year, and enter the same in the books of assessment required to be made by the assessor under the provisions of law, opposite the name of such tax-payer, and foot up the same, the footings to be carried from page to page, and the total amount thereof footed up, such books shall approximately show that the assessed value as extended by the assessor is for the municipal taxes for the next succeeding tax year, based on the assessed value for State taxation for the then current tax year.

Section 10. The presiding officer of the Court of County Commissioners or other Court of like jurisdiction, having jurisdiction over the tax assessments in such County and required to make certificates in regard thereto shall embrace in such certificate the amount of municipal taxes which shall be owing to such cities for the next succeeding tax year, which certificate, after certifying the amount of State, County and special tax, shall continue in substance as follows: "The amount of municipal taxes for the City_____ for the next municipal tax year is $_____, the total amount, and this certificate shall be a warrant to the tax collector of _____County to proceed to collect such municipal taxes in the manner directed by law when due."

Section 11. Upon collection of taxes by the tax collector, he shall embrace in his receipt, required to be given as provided by law in regard to State and County taxes, a statement of the amount of city taxes, if any, paid on real estate, and city taxes, if any, paid on personal property, and if any interest has accrued stating the amount thereof paid, such receipt shall also show the tax year for which the City tax is paid and City for which the tax is paid, and such receipt shall be prima facie evidence that such tax-payer has paid his City taxes for the year stated on the real and personal property and other subjects of taxation.

Section 12. The tax collector, in making his monthly report, as required to be made under the law in regard to State and County

taxes, shall embrace in each of such reports a statement setting forth the taxes collected by him for such cities during the preceding month, and up to the date of such report, subsequent to his preceding report, and a copy of each report shall be by the collector forwarded to the Mayor or other presiding officer of such cities, within five days after making such report the collector must pay to the treasurers of such cities monthly at the same time he is required to make payment of taxes collected for the State and County, all city taxes then due from him to such cities before that time collected. The treasurers of such cities shall give the County tax collector a receipt in duplicate for the amount received, one of which duplicates shall be promptly forwarded to the State Auditor by the tax collector.

Section 13. The county tax collector must, on or before the 1st day of July of each year make a final settlement under oath with the treasurers of such cities, and then pay over to the treasurers of such cities the balance of the City taxes due from him as such tax collector and not paid over prior to the date according to the tax books in the office of the Judge of Probate of the Counties in which such cities are situated.

Section 14. The County tax collector shall not be required to make or keep a separate account of any special taxes collected for such cities but shall keep such account only in gross of the total tax levied by the cities. If any part of the tax collected by such cities is set apart by the laws for any special purpose, the treasurers or persons acting as such of such cities shall as the law may direct keep a separate account and distinct fund as required by law arrived at and set apart by the treasurers from the amount paid into the treasury by the tax collector in proportion as such special tax levied bears to the total taxes levied by such cities, and the special taxes received by such city treasurers shall be disbursed by them as required by law.

Section 16. The Court of County Commissioners, or other court of like jurisdiction, shall, in discharging the duties imposed upon the court under the provisions of law in regard to State and County officers, credit the tax collector with city taxes contained in such list and with taxes in litigation in the same manner and way and under the same conditions that credits are required to be given in favor of the collector of county taxes shown in the list.

Section 17. Upon the allowance and credit to the county tax collector of insolvent taxes and taxes in litigation, the court of county commissioners or other court of like jurisdiction shall in behalf of such cities state a new account against the tax collector for the amounts of insolvent city taxes and city taxes in litigation in the same manner and way as is provided in regard to insolvent county taxes and county taxes in litigation under the provisions of law in regard to State and County officers, and the collector shall

remain charged with such sum until the liability is discharged under the provision of the law.

Section 18. The presiding officer of the court of county commissioners, or other court of like jurisdiction, shall embrace in the list of insolvent taxes allowed, which he is required to furnish to the collector under the provisions of law in regard to State and County taxes, and as a part of such list the name of each insolvent tax payer of such city taxes, and the amount of such city taxes, and cost, if any, due from the insolvent to such cities.

Section 19. It shall be the duty of the county tax collector to collect insolvent city taxes and make monthly reports, payment and settlement thereof with the city treasurer of each city in the same manner and way and at the same time that he is required to do in regard to State and County taxes under the provisions of law in regard to State and County offices.

Section 20. At the same time the county tax collector makes final report of the uncollected balance of insolvent taxes as provided by law for State and County taxes to the court of county commissioners or court of like jurisdiction, he shall embrace in and as a part of said report the uncollected balance of insolvent city taxes and taxes in litigation the same and in the same manner and way as he is required to make of State and County taxes, including the taxes still in litigation in the same manner and way as the court is authorized to allow credits for insolvent county taxes and taxes in litigation.

Section 21. The county tax collector shall embrace in the docket of lands made by him under the provisions of law in regard to State and County taxes the amounts due such cities both from known and unknown owners in the county, if any, in the same manner and way as he is required to do in regard to State and County taxes giving the name of the city to whom due, and stating the municipal tax year for which the taxes are due, and in such manner and way as to show respectively the amounts of taxes due the State, the amounts due the County and the amounts due such cities chargeable against the respective properties.

Section 22. The decree for tax sales rendered by the Probate Judge under the provisions of law in regard to State and County taxes shall embrace taxes due to such cities, showing the aggregate amount due to the State, County and City and showing what amount is for the City and the tax year of the City for which the same is due it.

Section 23. The county tax collector shall embrace in his certificate to a purchaser under the provisions of law in regard to State and County taxes the amount of taxes due on the property described in the certificate to such City in the same manner and way as he is required to set forth in said certificate the amount due to the State and County.

Section 24. In case of an appeal by the State from decree of tax sale under the provisions of law in regard to State and County taxes the appeal by the State shall be in behalf of such city and all proceedings shall under and in accordance with the provisions of law in regard to State and County taxes be in behalf of such City the same as it is in behalf of the County.

Section 25. The Judge of Probate of the county in executing a tax deed to a purchaser, under the provisions of law in regard to State and County taxes shall by the deed convey to and vest in the grantee the lien and claim of such City as well as the lien and claim of the State and County.

Section 26. From and after the 1st day of October 1931 the county tax assessor shall calculate and enter city taxes owing to such cities on the descriptive lists coming to him under and in accordance with the provisions of law in regard to State and County taxes, in the same manner and way that he is required to do as to State and County taxes, and all provisions, proceedings and requirements as to State and County taxes under said Section shall be applicable to such city taxes.

Section 27. An invalid tax sale shall pass to the purchaser the lien of the city in and to the land sold, both as to taxes paid by said sale and as to the taxes subsequently paid by the purchaser to the same extent and in the same way that the lien of the State and County is passed to the purchaser under and in accordance with the provisions of law in regard to State and County taxes.

Section 28. The Judge of Probate at the time he is required to remit to the State Treasurer and to the County Treasurer redemption money under the provisions of law in regard to State and County taxes, should also pay to the City treasurer, or person designated by the council, board of Commissioners or other governing body of the city as treasurer, the proportion of redemption money, if any, belonging to the city, and all of such provisions of law in regard to State and County taxes shall be applicable to such cities and city taxes in the same manner and way as to the State and County Taxes.

Section 29. That the State auditor shall enter in the books caused to be prepared by him under the provisions and requirements of law in regard to State and County taxes, the amount of city taxes due on the property described in the books in the same manner and way as he is required to enter the amount of State and County taxes due thereon, and in making sales of said property the amount at which the property is sold shall not be less than the whole amount of taxes, including such city taxes, interest, costs and officer's fees as provided for and required to be paid in the case of redemption of such land.

Section 30. When the lands bid in by the State have been sold by the State, the State auditor shall draw his warrant on the State

treasurer in favor of the city for the amount, if any, that the said city is entitled to and forward the same to such city.

Section 31. When land, which has been bid in by the State at tax sales has been sold by the State and the State refunds the taxes on account of an invalid sale under and in accordance with the provisions of law in regard to State and County taxes, the State auditor must ascertain the amount of such purchase money which has been paid to the said city, if any, which amount it shall be his duty to certify to the Mayor or other governing head of the said city and it shall be the duty of the Mayor or other governing head of the municipality to present such claims at the next succeeding meeting of the council board of commissioners or other governing body of the said city and thereupon such council or body shall order a warrant in favor of the State for such amount as the State is entitled to from the city and the city treasurer or acting treasurer shall forthwith forward the amount to the State treasurer and report it to the State auditor.

Section 32. Whenever the Judge of Probate cancels a tax sale as to a private purchaser under and in accordance with the provisions of law in regard to State and County taxes, he must give to such purchaser a certificate to the Mayor or other governing head of the city, showing the amount of city taxes received by the city from such tax sale in the same manner and way as he is required by the provisions of law in regard to State and County taxes to give certificates showing the amount the State and County have received, and thereupon when said certificate is presented to the Mayor or other governing head of the city, it shall be the duty of the Mayor or other governing head to present such certificate at the next meeting of the council, Board of Commissioners or other governing body of the City, and the amount so paid to the municipality must be allowed by such council, board of commissioners or other governing body, and an order made directing the treasurer or acting treasurer to pay the same.

Section 33. Any person, or his agent, or the heir or personal representative of such person, who owns property subject to taxation in said city and who, through a mistake or error in the assessment or collection of taxes, has paid to the city through the county tax collector money that was not due from him for taxes, may file a petition with the council, board of commissioners or other governing body of said city, asking that a warrant be drawn in his favor refunding to him the money paid and received by the municipality. The council, board of commissioners or other governing body of said city shall examine into the facts and evidence offered by the petitioner in support of the allegations of his petition and if proper and full proof of the same be made, the council, board of commissioners or other governing body of said city must allow said claim

to the amount of city taxes received, and must order the treasurer or acting treasurer of the city to pay the same.

Section 34. All laws now in force or hereafter enacted in regard to the collection of State and County taxes and procedure, with reference thereto, and the enforcement of collection shall apply to and be in force as to such city taxes, except as such laws are changed by or in conflict with the provisions of this act and the county tax collector shall collect or enforce the collection of such city taxes at the same time, in the same manner and way, and as a part of one and the same collection as the collection of State and County taxes and all procedure incident to or in any wise connected with the collection of State and County taxes shall be equally applicable to the collection of said city taxes and all such city taxes shall be collected in the same way and in the same proceedings as State and County taxes.

Section 35. The official bond of the judge of probate and of the county tax assessor and of the county tax collector in the counties in which such cities are situated, shall be and shall be held to be for the protection of such cities for the faithful discharge of the duties of such officers to such cities in the same manner and way as it is for the protection of the State of Alabama and the counties in which such cities are situated.

Section 36. The tax assessor of such counties in which such cities are situated shall be entitled to receive out of the first moneys collected for such cities, to-wit, One Per-cent on all taxes collected for such cities each year.

Section 37. The tax collected of such counties in which such cities are situated shall be entitled to receive, to-wit, One Half of One Percent on all taxes collected for such cities each year.

Section 38. The Judge of Probate of each county in which such cities are situated shall be entitled to commission at the rate of two and one-half per cent on money received by him for such cities on redemption from tax sales which he may deduct therefrom when he pays money collected; the said Judge of Probate shall be entitled to a fair and reasonable compensation, and in no event to exceed fifty dollars ($50.00) in any one year from the said cities for the additional services required of him in furnishing and preparing abstract books conforming to the requirements of this act; the amount to be determined and fixed by the council, board of commissioners or other governing body of such cities shall be paid by the tax collector on the certificate from the presiding officer of such governing body to the said judge of Probate.

Approved June 26, 1931.

No. 304.) (H. 520—Sossaman.

AN ACT

To empower the governing authorities of cities in this State having a population of more than 67,000 and under 200,000 people, according to the last or any subsequent Federal census, after approval by the qualified electors of such cities, to sell and/or lease all or any part of the municipal docks property of such cities and/or property belonging to any such cities and abutting any river or navigable water, and authorizing such governing authorities, after approval by the qualified electors of any such city, to close and/or vacate any street or streets where the same abut or run through such property, and providing how the proceeds from any such sale shall be used, and providing that nothing in this act shall be construed as in anywise restricting or impairing the power and authority of any such governing authorities to lease all or any part of the municipal docks property of any such city without an election, where the term of the lease does not exceed ten years.

Be it Enacted by the Legislature of Alabama:

Section 1. That the governing authorities of all cities in this state having a population of more than 67,000 and under 200,000 people according to the last or any subsequent Federal census, shall be and they are hereby authorized and empowered, after authority granted by the qualified electors of such city in the manner hereinafter provided, to sell and/or lease all or any part of the municipal docks property belonging to any such city, or the property belonging to any such city and abutting any river or navigable water or waters, at such price or prices, and upon such terms and for such purposes as said governing authorities may deem fitting and proper.

Section 2. Whenever such governing authorities shall determine to sell any of the property aforesaid, or lease the same, they shall adopt a resolution stating substantially the terms upon which it is proposed to sell or lease such property, as the case may be, and describing the property so to be sold or leased, and stating substantially the purposes for which it is proposed to sell or lease the same, and the uses for which the buyer or the lessee, as the case may be, is privileged to use the property, and shall call an election at which such proposal shall be submitted to the qualified electors of such cities for their approval. Elections hereunder shall be conducted as provided by law for the conduct of municipal elections, and the Mayor shall cause notice of such election, containing the substance of the proposal to be voted upon, to be published once a week for three consecutive weeks in advance of the date of the election. If, at any such election, a majority of the qualified electors voting thereat shall approve such proposal, then the governing authorities of any such city shall be authorized to proceed to sell or lease said property in substantial compliance with the proposal so submitted, the ballot to be used at any such election to have

printed on it the substance of the proposal, and suitable space where the voter may express himself or herself as being for or against the proposal, as the case may be.

Section 3. In connection with any sale or lease of the property aforesaid, any city may contract to abandon and close or vacate, and proceed to abandon and close or vacate any public street or streets running through, or where the same abut any such municipal docks or water front property, provided that the closing or vacation of such street or streets shall have been first approved by a majority of the qualified electors of such city voting at any election in the manner hereinbefore provided.

Section 4. The proceeds from any such sale or lease shall be applied as follows: first, to the payment of any debts or obligations standing against any such property, and the balance, if any, shall be devoted only to such purposes as may have been stated in the proposal submitted to the qualified electors of such city, as hereinbefore provided.

Section 5. Nothing herein contained shall be construed as in anywise restricting or impairing the power and authority of the governing authorities to lease all or any part of the municipal docks property of any such city, where the term of the lease does not exceed ten years.

Section 6. This Act shall go into force and effect upon its passage and approval.

Approved June 26, 1931.

No. 309.) (H. 674—Kelly (Conecuh).

AN ACT

To aid, authorize, and empower, counties having a population of not less than twenty five thousand, nor more than thirty thousand, according to the last Federal Census, and all counties which may hereafter have said population according to any Federal Census hereafter taken,—to better provide for the payment of County Debts and obligations, and for placing and maintaining such counties on a cash basis.

Be it Enacted by the Legislature of Alabama:

Section 1. That all counties in the State of Alabama, which now have a population of not less than twenty five thousand, and not more than thirty thousand population, according to the last Federal Census of 1930, and in all counties which may hereafter have such population, according to any Federal Census hereafter taken,—all such counties having such population above described, are hereby aided, authorized, and empowered, to better provide for the payment of county debts and obligations and for placing and maintaining such counties on a cash basis as follows:—

Section 2. That such counties, and the governing body of such counties, The Board of Revenue, or Court of County Commissioners of such counties, are authorized to carry out the provisions of this Act and create separate county funds, and different funds for separating the county revenues and taxes as may be deemed necessary and may require all lawful and proper county debts and obligations heretofore created or hereafter created to be made payable out of such designated funds in the order of their registration against the funds designated or by pledging the same of record on the minutes of the governing body,—either one or both.

Section 3. That the county taxes, the general county tax of one half of one percentum per annum, and the special county tax of one fourth of one percentum, each of them may be divided into general and special taxes, and different portions of the general tax and different portions of the special tax may be levied separately for such various, general, special and lawful county purposes as may be deemed necessary for placing sufficient money in said various funds so created and for the payment of the various county debts and obligations as agreed to and ordered by the county governing body; that the annual county tax levy may be amended at any time to carry out the provisions of this Act; that said county taxes when divided and levied separately shall be collected separately and proceeds kept separately and used for no other purpose except for the purpose for which levied and pledged; provided however that no outstanding obligations or county debt of any kind shall be injured, impaired, or delayed, by the provisions hereof; That this Act is remedial and cumulative and shall be given effect according to its purpose; That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved June 26, 1931.

No. 313) (H. 726—Barber

AN ACT

To authorize cities and incorporated towns in the State of Alabama having a population of one hundred thousand or more according to the last federal census, or which may hereafter have said population or more according to any federal census hereafter taken, to acquire by purchase or construction and to maintain, improve, extend and operate waterworks and to issue bonds therefor payable from the revenues of such works.

Be it Enacted by the Legislature of Alabama:

Section 1. That any city or town in the State of Alabama, under whatsoever law or charter organized, and having a population of one hundred thousand or more according to the last federal census or which may hereafter have said population or more ac-

cording to any federal census hereafter taken, is hereby authorized and empowered to acquire by purchase, construction, or otherwise, and to maintain, extend, improve and operate, water works, together with extensions and appurtenances thereto, and all other property to be used or useful in connection therewith within or without the corporate limits of such city or town, under the provisions of this act, for the purpose of furnishing an adequate supply of water for public, industrial and domestic consumption. In the event the Water Works property in any such city or town is a part of a combined water works system also supplying water from a common source to the consumers outside such city or town and within or without the corporate limits of one or more other municipalities, then in like manner such city or town may acquire by purchase or otherwise, and thereafter operate, maintain, improve and extend the entire system, but the governing body of any other municipality being supplied water through such system shall have the same regulatory powers over the Water Works property therein as though same were privately owned.

Section 2. For the purpose of defraying the cost of acquiring such Water Works, or any part or parts thereof, and making improvements and extensions to any such Water Works, either by purchase, construction or otherwise, any such city or town may borrow money and issue its negotiable bonds as hereinafter authorized provided no such water works shall be acquired, improved or extended under the provisions of this act and no bonds shall be issued as herein authorized unless and until the question as to whether such bonds shall be issued shall have been submitted at an election in such city or town and have been approved by a majority of the votes cast on the proposition in the manner hereinafter required. The governing authority of any such city or town electing to avail of the provisions of this act shall evidence same by the adoption of an ordinance describing in a general way the purpose for which the bonds are proposed to be issued fixing the maximum principal amount of bonds. The proposition to be voted upon shall set forth such purpose and amount and shall refer to this act by title or citation. Such ordinances shall order submission of the question at either a general or a special election.

Section 3. Notice of such election shall be given by publication in a newspaper published in such city or town at least once in each calendar week for at least three successive weeks, the first publication to be made at least thirty days before the election, which notice shall set forth the proposition as it is to be voted upon and the time and place or places of the election, and such notice shall be signed by the Mayor or other chief executive of the city or town; and if no newspaper is published therein such notice may be posted in five public places in such city or town at least thirty days before the date fixed for the election.

Section 4. Ballots for use at such elections on the proposition shall be prepared by the Mayor or other chief executive officer and shall be in such form as will be in conformity with the requirements of the Constitution of Alabama. The governing body of such city or town may fix the polling places and election precincts or may direct that same be at regularly established polling places and election precincts, and shall appoint three managers, two clerks and one returning officer for each polling place to conduct the election. All expenses of such election shall be paid in the first instance out of the general funds of the city or town and the amount thereof may be considered as a part of the cost of the project and reimbursement made when and if bonds authorized at such election are issued.

Section 5. The governing body of such city or town shall constitute a board to canvass and declare the results of such election and such governing body shall meet at its usual place of meeting on the second secular day after the date of the election and at that time or subsequent thereto by adjournment, shall canvass, declare and record the results thereof.

Section 6. Any election held under the provisions of this act may be contested by any qualified elector of the municipality within thirty days following the recording of the canvass and declaration of the results thereof, by an action instituted before the Judge of Probate of the county in which the city or town is located. Where no provisions are otherwise made herein the general election laws of the State then in existenec with regard to election shall govern.

Section 7. If such election shall be favorable to the issuance of bonds as aforesaid it shall authorize such city or town to acquire, construct, improve or extend the works as specified in the proposition voted upon and the governing body of such city or town may by ordinance cause the bonds to be issued. Such bonds shall be payable solely out of the revenues to be derived from the operation of the waterworks and shall not constitute a general indebtedness of the city or town. They may be issued in registered or coupon form and if coupon bonds they may be registered as to principal only or as to both principal and interest, and shall be in the denomination of $1,000, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, and maturing not more than forty years from their date. In the discretion of the governing body such bonds may be made redeemable at the option of the city prior to maturity at such premium or premiums as such governing body may determine. In all other respects such bonds shall be in form and shall be executed in such manner as prescribed by the ordinance. Said bonds shall be exempt from taxation in the State of Alabama and shall constitute negotiable instruments. Said bonds shall be sold at private or public sale for cash, in such manner

and at such times as the governing body of such city or town shall determine, and if issued, to bear interest at the rate of six per cent per annum shall be sold at not less than par and accrued interest; provided, that bonds bearing a rate of interest less than six per cent per annum may be sold below par but at no more than a six per cent interest yield basis computed to maturity according to standard tables of bond values. Both principal and interest may be made payable in gold coin or in lawful money of the United States at such place or places within and without the State as may be prescribed by the governing body.

Section 8. The ordinance authorizing the issuance of bonds under the provisions of this act shall provide that the income and revenue of the water works shall be set aside and pledged into a separate fund to be used and applied in payment of the cost of such works represented by such bonds and interest thereon and also for the operation, maintenance and depreciation of such works. Such ordinance shall definitely fix and determine the amount of revenues which shall be necessary and be so set apart and applied to the payment of interest on the bonds and the retirement of the principal and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance of the system. Such proportions for maintenance, operation and depreciation may be revised from time to time so as to permit provisions to be made for setting aside additional sums for bonds subsequently authorized and issued and there shall be no priority of payment of bonds and interest thereon regardless of the time of authorization or actual issuance or delivery.

Section 9. There shall be and there is hereby created a statutory mortgage lien upon the water works system to and in favor of the holders of bonds and of the coupons of bonds issued under the provisions of this act, and such works shall remain subject to such statutory lien until the payment in full of the interest of the bonds and the retirement thereof. Any holder of said bonds or of any of the coupons may either at law or in equity by suit, action, mandamus or other proceedings protect and enforce the statutory mortgage lien hereby conferred in the manner now or hereafter provided by law for the foreclosure of real estate mortgages, and in like manner may enforce and compel performance of all duties required by this act, including the making and collecting of sufficient rates, the segregation of the income and revenue and the application thereof. The rates to be charged for the service from such water works shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to retire the bonds at or before maturity and to provide for the operation and maintenance thereof and an adequate depreciation account. Such

rates shall be fixed and revised from time to time so as to produce these amounts.

Section 10. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said water works on behalf of the city, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against said water works and for the payment of the operating expenses and to apply the income and revenues in conformity with this act, and the ordinance referred to in section eight hereof.

Section 11. The reasonable cost and value of any service rendered to such city or town by such water works may be charged against the city or town and shall be paid for monthly as the service accrues from the current funds or proceeds of taxes which such city or town is hereby authorized and required to levy in an amount sufficient for that purpose. Such funds so paid shall be accounted for in the same manner as other revenues of said water works.

Section 12. Such city or town issuing bonds under the provisions of this act, may provide by ordinance any such provisions and stipulations for the administration of the income and revenues and future financing of improvements as the governing body of such city or town may deem necessary for the security of such bonds.

Section 13. Should it be found that the proceeds of the bonds first issued under the provisions of this act are or will be insufficient to accomplish the purpose, additional bonds may be authorized and issued in the same manner. Any such city or town now or hereafter owning and operating a water works under the provisions of this act or any other law may provide for the extension, addition, or improvement thereof by the issuance of bonds in the manner herein provided.

Section 14. The ordinance providing for the issuance of bonds under the provisions of this act may also set apart bonds hereunder authorized, equal to the amount of any secured debt or charge, subject to which a water works may be purchased or otherwise acquired, and shall set aside for interest and sinking fund from the balance of the income and revenues of the water works remaining after setting aside the funds for payment of principal and interest of bonds, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge, or if such instrument does not make any provision therefor, said ordinance shall fix and determine the amount which shall be set aside into a securing debt account for interest on such secured debt or charge and a fixed amount to pay the principal thereof at maturity. Any surplus after satisfying the secured debt or charge may be

transferred to the fund for the redemption of the principal and interest of bonds issued hereunder. Bonds may be issued hereunder subject to the provisions hereof in exchange for or in satisfaction of such secured debt or charge or may be sold in the manner herein provided and the proceeds used for the retirement of the same at or before maturity.

Section 15. This act shall be deemed to provide an additional and alternative method for the acquisition, extension, improvement and operation of water works. No proceedings shall be required for the exercise of any rights or powers hereunder except as are prescribed by this Act, any provisions in any other laws or the charter of any such city or town to the contrary notwithstanding.

Section 16. The provisions of this act shall constitute a contract between the State of Alabama and such city or town and the holder or holders of the bonds issued hereunder, or any of them, and after the sale and delivery of any bonds authorized hereby no amendment of this act shall be made which shall in any manner impair the rights of the holders of the bonds then outstanding.

Section 17. If any section, clause or provision of this act shall be held unconstitutional, the remainder thereof shall not be affected.

Section 18. This act shall become effective upon its passage and approval by the Governor.

Approved June 29, 1931.

Passed over Governor's Veto) (H. 741—Sossaman

AN ACT

Providing in all counties in the State of Alabama now having or which may hereafter have a population according to the last Federal census of not less one hundred thousand and not more than one hundred seventy-five thousand, for fees to attorneys appointed by the circuit judge or judges of such counties, to represent persons who have been indicted by the grand jury of such county for the commission of a crime, the maximum penalty for which, under the law, is death, the amount of such fees, and the mode of payment.

Be it Enacted by the Legislature of Alabama:

1. That in all counties in the State of Alabama now having, or which shall hereafter have, a population according to the last Federal Census of not less than one hundred thousand and not more than one hundred seventy-five thousand, attorneys appointed by the judge or judges of the circuit court shall be paid a fee for defending persons indicted for a crime, the maximum penalty for which, under the law, is death. The amount of the fee in each case shall be fixed by the presiding Judge of the Circuit, but shall not be less than Fifty Dollars ($50.00) nor more than Two Hundred Fifty Dollars

($250.00). The fee so fixed by the judge shall be paid out of the general fund of the county treasury by the county treasurer, upon a certificate drawn by the judge presiding in the case, which certificate shall certify that the attorney or attorneys appointed by the court in the case of *State of Alabama versus*.....,
(name of defendant) has or have performed the services required of him or them in representing the said defendant, and that the fee therefor has been fixed in the sum of $.....(designating the amount of the fee).

2. The provisions of this act shall apply to all cases disposed of subsequent to its passage and approval by the governor.

3. All laws or parts of laws in conflict with this act be, and the same hereby are, repealed.

4. If any section, subsection, sentence, clause, phrase, or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase, and requirement thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or requirements be declared unconstitutional.

5. This act shall take effect immediately upon its passage and approval by the governor.

Passed over Governor's Veto July 2, 1931.

No. 315.) (H. 744—Tidwell

AN ACT

To be entitled An Act to amend Sections 3528, 3529, 3530, 3531, 3532, 3534, 3536, 3537, 3540 and 3554 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 3528 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3528." "DEFINITIONS."—"(1) For the purposes of this chapter the words "dependent Child" shall mean any child, who, while under sixteen years of age, for any reason, is destitute, homeless, or is dependent on the public for support; or who is without a parent or guardian able to provide for his support, training and education; or whose custody is the subject of controversy. (2) The words "neglected child" shall mean any child, who, while under sixteen years of age is abandoned by both parents, or if one parent is dead, by the survivor, or by his guardian, or custodian; or who has no proper parental care or guardianship or whose home, by reason of neglect, cruelty, or depravity, on the part of his parent or parents,

guardian or other person in whose care he may be, is an unfit or improper place for such child; or who is found begging, receiving or gathering alms, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article or articles, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing; or for whom his parent, parents, guardian or custodian, neglect or refuse, when able to do so, or when such service is offered without charge, to provide, or allow, medical, surgical, or other care necessary for his health, or well-being; or whose parent, parents, guardian or custodian permits such child to engage in an occupation or calling contrary to the provisions of the child labor law of this state; or whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory attendance law of this state; or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or who is not being reared or cared for in accordance with the provisions of any law, regulation or ordinance for the education, care and protection of children; or who for any other cause is in need of the care and protection of the state. (3) The words "delinquent child" shall mean any child who while under sixteen years of age violates any penal law of the United States or of this state, or any regulation, ordinance or law of any city, town or municipality, or who commits any offense or act for which an adult could be prosecuted in a method partaking of the nature of a criminal action or proceeding; or who is beyond the control of his parent, parents, guardian, or custodian, or who is otherwise incorrigible, or who is guilty of immoral conduct; or who is leading an idle, dissolute, lewd or immoral life; or who engages in any calling, occupation or exhibition punishable by law or is found in any place for permitting which an adult may be punished by law. (4) All such children, hereinabove described dependent, neglected or delinquent, shall be subject to the guardianship of the state and entitled to its care and protection. The state shall exercise its right of guardianship and control over such children in the manner and form hereinafter provided. This chapter shall be liberally construed in order to accomplish the beneficial purposes herein declared. (5) The word "court" and the words "juvenile court" when used in this chapter shall, unless otherwise qualified, mean the probate court of the county, sitting as the juvenile court, for the hearing of cases or the disposition of any matter arising under the provisions of this chapter. The word "Judge" or the words "judge of the juvenile court" shall, when used in this chapter, unless

otherwise qualified, mean the judge of the probate court of the county sitting as the juvenile court for the hearing of cases or the disposition of any matter arising under the provisions of this chapter. (6) The words "him" and "his" when used in this chapter with reference to children coming under the provisions of this chapter shall apply to boys and girls alike."

Section 2. That Section 3529 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3529." "COURTS HAVING JURISDICTION OF CHILDREN." —"The probate courts of the several counties of the state, except in those counties in which special courts having exclusive jurisdiction over children under sixteen years of age or over and for the purposes declared in this chapter have been or shall hereafter be established by special acts of the legislature, shall have original and exclusive jurisdiction of all proceedings coming within the provisions and terms of this chapter and shall have original and exclusive jurisdiction to hear, determine and adjudicate all questions and cases coming within said provisions and terms and each such court shall in the exercise of the jurisdiction herein conferred by this article, be known as the juvenile court of county. The juvenile court shall have power, under the terms of this chapter, to determine the question of the dependency, neglect or delinquency of any child, and when such question is so determined and adjudicated, to make and enter such judgment and orders for his custody, discipline, supervision, care, protection and guardianship, as, in the judgment of the court will properly conserve and protect the welfare and best interests of such child. If it appears to the court from the evidence that any person, or persons, is, or are, in any way, contributing to the delinquency of any such child, or exerting an evil or harmful influence over any such child, the court may by an injunctive order directed against such person or persons protect such child against such influence in the way that shall seem most conducive to such end, and may prohibit all future relations between the parties; but nothing in this section shall be so construed as to interfere with the prosecution of offenders as elsewhere provided for in this chapter. Juvenile courts shall have full power and authority to issue all other writs and processes necessary to the exercise of such jurisdiction and to the carrying out of the purposes of this chapter. The judge of the court shall have power to issue writs of arrest and of habeas corpus to have brought before it children alleged to be dependent, neglected, or delinquent, as herein defined, to be dealt with by said court under the terms of this chapter. The court, as to such dependent, neglected, and delinquent children, shall have and exercise the jurisdiction and power possessed by chancery courts in this state; but shall not have power to adjudicate any matter or make any order affecting any property

rights of such children. Nothing contained herein shall deprive courts of general jurisdiction of the right to determine the custody of children upon writs of habeas corpus, or the right to determine the custody of children when custody is incidental to the determination of causes pending in such courts. Such courts of general jurisdiction may, however, decline to pass upon such questions of custody or to issue such writs and may certify said questions or writs to the juvenile court for hearing and determination. The court shall have the power to determine the form and character of its records and to devise and publish rules, not inconsistent with the provisions of this chapter or the laws of this state, to regulate proceedings in all cases coming within the provisions of this chapter, and for the conduct of probation and other officers of the court. Such rules shall be enforced and construed liberally for the remedial purposes embraced herein. The court may adopt and cause to be printed for the use of the public and for the use of the court such forms as may be found necessary and convenient for use in cases arising under this chapter; but such forms shall be approved by the State Child Welfare Department. All expenses necessary or appropriate to the carrying out of the purposes and intent of this chapter and all expenses of maintenance and care of children that may be incurred by order of the court in carrying out the provisions and intent of this chapter, shall be valid charges and preferred claims against the county and shall be paid by the county treasurer when itemized and sworn to by the creditor or other persons knowing the facts in the case, and approved by the judge."

Section 3. That Section 3530 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3530." "TITLE OF PROCEEDING. PETITION. EXAMINATIONS AND SUMMONS. CUSTODY OF CHILD PENDING HEARING. SERVICE AND SUMMONS. WHEN SUMMONS UNNECESSARY. CONTEMPT. WHO SHALL SERVE PAPERS. WHEN RIGHTS BARRED." "(1) The style or title of the proceedings herein provided for shall be State of Alabama, in the matter of _____(inserting name of child), a child under sixteen years of age, in the juvenile court of _____county (inserting name of county). (2) Any person having knowledge or information that a child, residing in or who is actually within a county of this state, is within the provisions of this chapter, or subject to the jurisdiction of the juvenile court, may file with the court of said county a verified petition, setting forth the name, residence and age of the child, the name and residence of the parent or parents, if known to the petitioner, and the name and residence of the person or persons having guardianship, custody, control, or supervision of such child, if such facts be known, or can be ascertained by the petitioner, or that such facts

are unknown or cannot be ascertained, if that be the fact. The petition shall state the facts which bring the child within the provisions and terms of this chapter, and it shall be sufficient for that purpose to aver that the child named therein is dependent, neglected, or delinquent, as the case may be, and in need of the care and protection of this state (here stating succinctly the facts which bring said child within the terms and provisions as herein defined.) The petition shall be sworn to by the petitioner, but affidavit may be made upon information and belief of the affiant. (3) Upon the filing of the petition with the juvenile court, or upon receipt of an order of transfer from any other court, as hereinafter provided, the judge or clerk or chief probation officer of the court shall forthwith, or after causing an examination to be made by an officer or other person, cause a summons to be issued, signed by the judge or clerk of said court, requiring the child to appear before the court, and requiring the parents, guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be found, to appear with the child, at such time and place as may be stated in the summons, to show cause why the child, should not be dealt with according to the provisions of this chapter. A failure of the parent, guardian or person having the custody or supervision of the child or the person with whom the child may be found, to appear before the court to show cause why the child should not be dealt with according to the provisions of this chapter shall not prevent the court from hearing the same. If after investigation is made, the chief probation officer is of the opinion that such cause is not a meritorious one, he may decline to ask the judge or clerk for a summons, and the court may upon his motion dismiss such petition, or order a summons issued as to the court may seem just. Said summons shall set forth the charges contained in said petition, or order of transfer. (4) If it appears from the petition that the child is violating any penal law of the United States or of this state, or any law or ordinance of any municipality for which an adult could be prosecuted, or that the child is in such condition that its welfare requires that custody be immediately assumed, the judge of the court may endorse upon the summons a direction that the officer serving said summons shall at once take said child into his custody. When any child is taken into custody under such summons, and is in the custody of the court under any order of transfer from any other court, such child may be released on his own recognizance, or be released into the custody of a probation officer, or of the parent or parents or of any other person or approved agency designated by the judge of said court. If in the discretion of the judge of said court, it is deemed inexpedient to release the child in the manner above set out, and if in the judgment of the court it is absolutely necessary, such child

may be detained in such manner as the judge may order pending the hearing of the case. (5) Service of such summons upon the child mentioned therein shall be made by the delivery to and leaving with the father or mother of such child, or with the parent with which such child is living, or with the person in whose custody the child may be, a true copy thereof and when the summons so directs, by taking said child into custody by the officers serving same. When the summons is directed to the child and to such child's father or mother, or both, service of one copy on either parent if they be living together shall be sufficient service on all of them, or on the child and the parent with which such child is living. When such child has no parent or custodian upon whom such summons can be served, the court shall appoint a guardian ad litem for said child, upon whom such summons must be served, unless such service be waived in writing by said guardian ad litem. Service of such summons on the person, or persons, mentioned therein, other than the child, if residents of this state, and their place of residence is known, shall be made by delivery to and leaving with such other person, or persons, a true copy thereof. In the event that such other person or persons are non-residents of the state, and their place of residence is known, it shall be sufficient service to deposit in a United States postoffice in such county a true copy of such summons, in a postpaid, sealed envelope addressed to such person or persons, at such address or addresses; but such service shall not be held to have been perfected, nor shall such case be called for HEARING until a reasonable time has elapsed from the time of the posting of such summons, unless with the consent of such other person or persons, which consent may be shown by letter, telegraph, telephone, or in any other way satisfactory to the court. In the event that the names of the parent or parents, guardian, or those legally entitled to the custody of such child cannot be ascertained; or if their names being known their place or places of residence cannot be ascertained; or if for any other cause they cannot be found, or if for any other reason it shall appear that service of such summons cannot be had on such persons, as provided above—this being a proceeding on the part of the state to protect and care for such children—no service of a summons shall be necessary in such cases to give the court jurisdiction thereof. In the event that no service of summons is had for the reason set out above, it shall be the duty of the judge of such court, hearing such cases to satisfy himself that diligent effort has been made to ascertain the names and places of residence of the parent, parents, guardian or person or persons legally entitled to the custody of such children, before hearing such cases; and such judge may in any event order service by publication, as in other chancery cases if in his opinion the cause of justice require, in which case, if there be

no other means of meeting such expense, same shall be paid by the county in which such proceedings are had. (6) If the child mentioned in the summons be present in court at the time of the hearing, no summons to said child shall be necessary to give the court jurisdiction of such child. When the person named in the summons other than the child is present in court at the hearing, and for any of the reasons set out above has not been served with a copy of the summons, or when said child is in court, by reason of the violation of any law, federal, state, or municipal, service of the summons upon such other person named in the summons shall not be necessary to give the court jurisdiction; but if such other person be not present in court, and if for any of the reasons set out above has not been served with the summons, the court must appoint a probation officer, or some other discreet person, to act as guardian ad litem, to represent the interests of such child, and such guardian ad litem shall be present at the hearing of said case to represent said child. (7) The summons herein provided for shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a contempt of court. (8) The sheriff of the county shall serve all papers directed by the juvenile court or judge thereof to be served by him, and a suitable allowance shall be made to him by the court of county commissioners, or board of revenue, or other governing body, of such county for his actual and necessary disbursements in effecting such services. However, all papers, summons, and processes issued from the juvenile court in such proceedings may be served by the police of any municipality or by any person selected by said court or by the judge thereof for that purpose. When engaged in serving such papers, summons, and processes, such persons so selected by the court or by the judge thereof shall have the authority of a sheriff. (9) Should any person, who by reason of not having had any legal notice of such proceeding, have a legal right to be heard in such cause, such person shall, or must, assert such right by filing a petition in such cause setting out such right, and asking to be heard thereon, within ninety days from the rendition of the decree adjudging such child a dependent, neglected, or delinquent child, and such right, if any there be, shall or must be so asserted and within such time, or same shall be forever barred."

Section 4. That Section 3531 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3531." "Juvenile Courts, Practice and Rules Of; Privacy."— "The Juvenile court shall keep for the HEARING of cases involving children under the age of sixteen years a docket which shall be separate and distinct from any other docket kept in said court; and the orders and decrees of the court relating to such cases shall

be entered in a separate minute book. The court shall have the power, in the hearing of any case involving any child under the age of sixteen years, to exclude the general public from the room where said hearing is held, but shall admit thereto such persons as, in the judgment of the court, have a direct interest in the case. The records of all such cases shall be withheld from indiscriminate public inspection but such records shall, in the discretion and under the orders of the judge, be at all reasonable times open to inspection by the child, its parents, or guardian, its attorney, or attorney for its parent or guardian, and the Child Welfare Department or its accredited agents. The HEARING of all cases where children are involved shall be held at a different time from the hearing of other cases in the probate court. It shall be the duty of the judge of the court so to conduct the hearing as to disarm the fears of the child and to win its respect and confidence."

Section 5. That Section 3532 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3532." "Procedure."—"The hearing and proceedings herein provided for may be conducted in the judge's chamber or in any other room that may be provided for such cases, or in such other place within the county as may be convenient for the court and all parties concerned. Upon the return of the summons or at the time set for the hearing, the judge of the court or the referee or referees hereinafter provided shall proceed to hear and determine the case. At such hearing the nature of the proceedings shall be carefully explained to the child and to his parent, custodian or guardian. The judge of the court or the referee or referees may conduct the examination of witnesses and may take testimony for the purpose of inquiring into the habits, surroundings, conditions, tendencies, and guardianship of the child in order to enable the court to determine whether such child is dependent, neglected, or delinquent, and, if dependent, neglected or delinquent, what order or judgment will best conserve the welfare of the child and carry out the objects of this chapter. Any child adjudged to be dependent, neglected or delinquent, shall continue for the purposes of this Act in the care and under the control of the court during minority, unless discharged or committed by final order by the court as hereinafter provided.

Section 6. That Section 3534 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3534." "MENTAL AND PHYSICAL EXAMINATION AND TREATMENT OF CHILDREN." "The juvenile court in its discretion may, either before or after hearing, cause any child within its jurisdiction to be given a physical or mental examination, or both, by a competent physician or physicians or an approved mental examiner to be designated by the court having jurisdiction

of the child and the physician or physicians or mental examiner shall certify to the court the condition in which the child is found. If, with or without such examination the court has reason to believe that the child is within the class defined by section 1469 of this Code as mentally inferior, or defective, or feebleminded, it may proceed in the manner set out in sections 1464-1485 to commit said child to the Partlow School for Mental Deficients or other approved institutions for children of his class, or to make such other commitment of such child as the court in its wisdom may order. Or, if, upon examination, it appears that the child is in need of medical treatment or care, the court may cause the child to be treated by a competent physician or physicians or placed in a public hospital or other institution for training or care or in an approved private home, hospital or institution which will receive it for like purposes. The expense of such treatment shall be a valid charge against the county unless otherwise provided for."

Section 7. That Section 3536 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3536." "PROBATION OFFICERS, QUALIFICATIONS, APPOINTMENTS, POWERS AND DUTIES, COMPENSATION, REMOVAL, COOPERATION OF INSTITUTIONS AND AGENCIES." "(1) The juvenile court may appoint probation officers, or may be either men or women, of good moral character, intelligent and sympathetic with the aims and purposes of this chapter, from the candidates who have been certified by the State Child Welfare Department. The State Child Welfare Commission shall prescribe reasonable standards of education, training and experience which must be attained by any applicant for the position of probation officer in any of the several juvenile courts of the state. The number of probation officers necessary for any juvenile Court shall be determined by the judge and the advisory board or the county board of child welfare where established. The court of county commissioners or board of revenue of the county shall pay such probation officers so appointed a reasonable salary to be determined by the judge, the advisory board, or county board of child welfare and the court of county commissioners or board of revenue of the county, acting jointly, but no paid probation officer shall be employed unless such probation officer shall have been certificated by the state child welfare department. Volunteer probation officers may be appointed in the same manner as paid probation officers. Such volunteer probation officers, when so appointed, shall have and exercise such powers and authority of paid probation officers as may be authorized by the court. Volunteer probation officers shall work subject to the direction of a paid probation officer, or the chief probation officer if there be such, if one be employed. No salary shall be paid out of public funds to any volunteer probation officer. Probation officers shall be reim-

bursed for actual expenses incurred in making investigations and in transporting and caring for children *As Provided By Law* when such accounts are approved by the judge of said court. Probation officers shall make investigations, as the court may direct, either before or after hearing of the case of any child regarding whom a petition is filed or of any such child between the ages of sixteen and eighteen years as may be transferred from a court of criminal jurisdiction as hereinafter provided for; shall be present in the court in order to represent the interests of the child and to aid the court, when the case is heard; shall have under orders of the court the oversight and care of such children as may be committed by said court to their charge or supervision; and shall perform such other duties as the court may direct. Probation officers may file petition in the court in cases of any children alleged or believed to be dependent, neglected, or delinquent, or in need of the state's care and protection, and may bring charges against any person who aids or encourages any child to violate any law or ordinance, or any order of the court, or who contributes to the neglect, dependency, or delinquency of any child, or causes any child to become dependent, neglected or delinquent. Probation officers shall serve during the pleasure of the court and shall be removable by said court at any time. Paid probation officers shall have the power of sheriffs, and police officers, school attendance officers and child labor inspectors, anywhere within the state, for the purposes of this chapter, may serve any process authorized to be served by this chapter, and may make arrests in the execution of processes issued from the court. Such probation officers shall take and subscribe to the oath of office now required of other public officers before entering upon the discharge of their duties. It is the duty of every county or municipal officer to render to the court, its judges, and officers, such assistance and cooperation as shall be within his jurisdiction or power to further the objects of this chapter. (2) All institutions, associations, or other custodial agencies, receiving or having in charge any child coming within the terms and provisions of this chapter, or to which any child may be committed under the provisions other than by final order of this chapter, are required to give to the court and to its officers any information, which, for the purposes of this chapter, may be required or requested by said court or the officers thereof."

Section 8. That Section 3537 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3537." "COMMITMENT OF CHILDREN."—"If, after hearing the case of any child, the court shall find the child dependent, neglected, or delinquent and shall so adjudge, the judge may commit the child to the home of its parents, guardian or persons having control of the home in which said child resides, provided that the character or condition of said home, parents, guardian or persons

in said home is not such as to be injurious to the best interests of the child, and may permit such child to remain in its home subject to the visitation and supervision of a probation officer and to such other conditions as the court may deem for the best interests of such child, and to be returned to the court by such guardian, parent or probation officer when such return may appear to the judge necessary and an order thereof is made by him. Or, the child may be placed by the court in any suitable family home, subject to the visitation and supervision of a probation officer and to further orders of the court. Or, the court may authorize the boarding out of the child in some suitable family home in such manner as is now, or may hereafter be provided by law, or may arrange by voluntary contribution or otherwise for the board and care of the child until suitable provision can be made for the placing of such child elsewhere; provided that whenever a child is authorized by the court to be boarded in its own home, or in some suitable family home, and no provision is otherwise made for the support of such child, expenses for the support and medical care and treatment, when approved by the court, shall be a valid charge upon the county and shall be paid by the court of county commissioners or board of revenue upon presentation of a bill for such expenses approved by the judge of said court. Or, the child may be committed by either temporary or final order of the court to any orphanage, institution, association, or agency approved by the state child welfare department for the care of such children in the State of Alabama and which is willing to receive such child. The court may commit to the State Child Welfare Department by either temporary or final order such children as the Department is equipped to care for and agrees to receive. The court may commit by final order any delinquent child coming within its custody and control to any appropriate state institution which is now or may hereafter be established to receive and care for delinquent children. The court may make such other order or judgment as the court, in its discretion, shall deem to be for the best interests of the child. No child shall be committed to any orphanage, institution, association, or agency, except state institutions or agencies, unless such orphanage, institution, association or agency is approved by the State Child Welfare Department for the care of children of his class. During the probation period and during the time when such child shall be in the custody of any institution, society, association, or person other than a state institution or the State Child Welfare Department, the child shall be subject to the visitation of probation officers or other duly appointed agents of the court unless discharged from the care of the court by final order. The court may release the child from its custody or control subject to be recalled and held in its control and custody on failure to comply with the terms and conditions of the order, or may finally dis-

charge the child. State institutions for delinquents and defectives shall not release any child committed to them under the provisions of this chapter without first giving ten days' notice in writing to the court making the commitment. In committing any child to any custodial agency or in placing any child under any guardianship other than that of its natural guardian, the court shall, as far as practicable, select a custodial agency or an individual of the same general religious belief as that of the parents of such child, or if there be no parents, as that of the child itself, or an institution or association governed by persons of the same general religious faith as that of the parents or of such child, unless said institution be a state, county or municipal institution. Female children, when being transported by order of the court to state institutions for delinquents, shall be accompanied by a woman of good character. When any child is committed by the court to any home, institution, or person, and the parents of such child shall have the means, such parents may be required by the court to pay for the support and care of the child such sums and at such times as the court may order, or, if the child shall have an estate in the hands of a guardian or trustee, such guardian or trustee may be required by the court to pay for the support and care of the child in the same manner. In case of such order to pay, the court shall designate the person, officer, institution or agent to whom such payment shall be made. If said person, guardian, or trustee so adjudged and ordered to pay such sums for the support and care of the child, wilfully, and without just excuse, fails or refuses to make payments in accordance with the order of the court, such person, guardian, or trustee so failing or refusing to pay may be adjudged in contempt of court. From any such order to pay for the support and care of such child, an appeal may be taken by the person, guardian or trustee so ordered, as hereinafter provided for, and upon the taking of such an appeal, said order shall be suspended until the determination of said appeal. The expenses of transporting a child to an institution, home, or other custodial agency, shall, unless otherwise provided for, be borne by the county of the Juvenile Court exercising jurisdiction over the child and shall be paid by the court of county commissioners or board of revenue upon presentation of a bill for such expenses approved by the judge of said court. The policy of the court shall be, as far as possible, to exercise its supervisory care by the retention of children in their own homes under the supervision of a probation officer. No child shall be committed to any home of a race other than its own. Every child committed to any home shall be treated in such home as a member of the family, and the home receiving such child shall be under agreement to rear and educate such child as a member of the family. When jurisdiction and custody of any child has been assumed by the court; pending disposition of the

child by commitment or otherwise, the court of county commissioners, or board of revenue of the county of the juvenile court exercising jurisdiction of said child shall, unless support shall be otherwise provided, provide for the reasonable and proper support of the child while in the custody of the court. No child coming within the provisions of this chapter shall be committed to any institution at the public charge unless his status shall have been first determined by such court in accordance with this chapter."

Section 9. That Section 3540 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3540." "TRANSFER FROM THE JUVENILE COURT." "If, at any time, after thorough investigation or USE of its disciplinary measures, the juvenile court or judge thereof shall be convinced that a delinquent child, more than fourteen years of age, brought before it under the terms of this chapter cannot be made to lead a correct life and cannot be properly disciplined under the provisions of this chapter, the juvenile court or judge thereof shall have authority to transfer the care of such delinquent to the jurisdiction of any other court in the county having jurisdiction of the offense with which said child is charged, there to be proceeded against according to law. When such order of transfer is made, the child so transferred may be committed to the county jail pending the proceedings in the court to which said case is transferred, or may be released on bail by the judge of the juvenile court to answer such proceedings in the court to which said case has been transferred. The judge or clerk of the juvenile court shall at once, upon making such order of transfer, file with the clerk of the court to which the transfer is made copy of the order of transfer and any warrant or other paper which has been filed in the juvenile court charging the child with the commission of any offense. In the trial in the court to which transfer is made, neither the fact that the case has been transferred from the juvenile court nor any of the proceedings had in the juvenile court shall be given in evidence against the child. All bonds and undertakings taken and approved by the judge of the juvenile court for any purpose shall be valid and enforcible even if the principal in said bond shall be a minor. In the event of the failure of the principal or sureties faithfully to carry out and discharge the undertakings of said bond, the judge of the juvenile court shall transmit said bond, together with his certificate of the failure of the said principal and sureties therein to carry out and discharge their undertakings in said bond, to the clerk of the circuit court of the county. Thereupon, it shall be the duty of the clerk of the circuit court at once to bring said matter to the attention of the judge of said court who shall proceed to enter a forfeiture of said bond, so transmitted, in the manner and form now provided for the forfeiture of bonds in the circuit court.

Thereafter, writs of scire facias and execution shall issue thereon as now provided by law upon the forfeiture of bonds in criminal cases in the circuit court."

Section 10. That Section 3554 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: Section 3554. CHILD HELD FOR SAFE KEEPING. No child coming under the provision of this act shall be confined in any jail except by the order of the juvenile court. Whenever a child is taken into custody under the terms and provisions of this act, and it shall appear to the court before which he is brought to be absolutely necessary to hold the child in custody until the time set for the hearing, the child may be placed in jail for safe keeping provided no other arrangement for holding the child can be made. No child coming under the provision of this act shall be confined in the room with an adult prisoner.

Approved June 29, 1931.

No. 316.) (H. 745—Tidwell.

AN ACT

To amend Sections 104 and 115 of the Code of Alabama, 1923, which relate to the powers and duties of the State Child Welfare Department.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 104 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 104." "Powers Of."—"The said department shall have the power and it shall be its duty: (1) To seek out, through investigation, complaints from citizens, or otherwise, the minor children in the State who are in need of its care and protection and shall, as far as may be possible, through existing agencies, public or private, or through such other resources, aid such children to a fair opportunity in life. (2) To make surveys and in other ways to ascertain the facts and conditions which cause or contribute to the need for such state care and protection of such children and the extent of such need. (3) To study the facts and conditions so ascertained and from time to time report same to the governor, the state child welfare commission, and the legislature, together with its conclusions and recommendations. (4) To present the facts so ascertained to the people of the State through conferences, conventions, and addresses and through these and other means to lead in the formulation and development of a state-wide program for the more effective care of such children and for the elimination and suppression of the causes which bring about the necessity for such care. (5) To advise with the judges and probation officers of the juvenile

courts of the several counties of the state, and to aid in perfecting the organization and work of such courts. (6) To exercise the right of visitation and inspection, of all state, county, municipal, and other agencies and institutions, public or private (including maternity hospitals), receiving, placing, or caring for dependent, neglected, or delinquent minor children for the purpose of ascertaining from time to time the capacity and adequacy of the facilities offered by these agencies and institutions for the care of such children, the manner, character or way in which such children are cared for in such institutions or agencies; the children who are in such institutions, the facts showing their social status; the source of income and cost of maintenance; and the way in which such children are received into and dismissed from such institutions or agencies. (7) To license annually all institutions and agencies (including maternity hospitals) except those under state ownership and control, caring for, receiving, or placing minor children and to revoke such license for cause. (8) To establish and maintain homes or other agencies for the care of dependent, neglected or delinquent minor children or to contract with any approved agency or institution for the care of such children, and, also, to receive and care for dependent, neglected and delinquent minor children committed to its care, to make a careful physical examination and, if possible, a mental examination of every such child, to investigate in detail the personal and family history of the child and its environment, and to place such children in family homes or in approved suitable institutions operating in accordance with the provisions of this chapter and to supervise such children however placed. (9) To require reports from courts and institutions, public and private, to the extent and in the form and manner hereinafter provided. (10) To enforce the state child labor law. (11) To solicit, receive, and hold gifts, devises and bequests of money, real estate, and other things of value to be used in the support, development, and carrying on of its work. (12) To prepare biennially and submit to the governor of the State and the state child welfare commission a full and complete report of all the activities of the department, together with a financial statement of all expenditures."

Section 2. That Section 115 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 115." "Qualifications of Probation Officers."—"In order to unify and standardize probation work in the juvenile courts of this state, the state child welfare commission is hereby empowered to prescribe reasonable standards of education, training and experience which must be attained by any applicant for the position of probation officer in any of the several juvenile courts of the state before he shall be employed."

Approved June 29, 1931.

No. 317.) (H. 746—Tidwell

AN ACT

To regulate "Boarding Homes for Children."

Be it Enacted by the Legislature of Alabama:

Section 1. That, as used in this Act, the term *"Boarding Home for Children"* shall mean any place in which children under sixteen years of age, not related by blood or marriage to the owner or manager of said place, are received, kept and provided with food, shelter and care for hire or compensation however paid: provided that the term shall not be interpreted to mean any boarding school; provided further, that the term shall not be interpreted to mean any place where children are cared for during the day but not lodged at night.

Section 2. It shall be the duty of the State Child Welfare Commission to establish reasonable minimum standards for Boarding Homes for Children and to prescribe rules for their regulation. The State Child Welfare Department shall grant annual licenses to such Boarding Homes for Children as conform to the standards established and comply with the rules prescribed, shall inspect places receiving children for hire or compensation and shall prosecute violations of this Act. The State Child Welfare Department or any lawful representative or agent of it shall have the right to enter and inspect any Boarding Home for Children licensed by it or any other place in which children under sixteen years of age are received and provided with food, shelter and care.

Section 3. No person or agency shall keep, run, conduct or manage a Boarding Home for Children without holding a valid license issued by the State Child Welfare Department as herein provided. The license shall not be valid for more than one year. Any license may be revoked by the State Child Welfare Department for violation of the provision of this Act, or of the rules prescribed by the State Child Welfare Commission.

Section 4. The license shall show the name of the owner or manager of the Boarding Home for Children, its exact location, and the maximum number of children that may be received and kept in it at any time.

Section 5. A record of every child under sixteen years of age admitted to any Boarding Home for Children shall be kept by the owner or manager in the place licensed and open for the inspection of the State Child Welfare Department or its representative. The record herein provided for shall be kept in the manner and form prescribed by the State Child Welfare Commission.

Section 6. The State Child Welfare Commission is authorized to make such rules, not inconsistent with law, as may be necessary to carry out the purposes of this Act.

Section 7. Any person, whether owner or manager, or representative of any owner or manager, who violates any provisions of this Act shall be guilty of misdemeanor and upon conviction shall be punished by a fine of not more than one hundred ($100.00) dollars or by imprisonment for not more than twelve months or both such fine and sentence.

Section 8. That all Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 9. This Act shall be in force and effect on and after its approval.

Approved June 29, 1931.

No. 325) (H. 817—Taylor.

AN ACT

To authorize all cities or towns in the State of Alabama, having a population of 68,000 and not more than 100,000 according to the last or any subsequent Federal census to make any compromise or settlement of any paving tax assessment or bill for past due tax on the paving of streets, boulevards or highways adjoining any property owned by any person, firm or corporation within the city limits of such city for such amount and on such terms as in the judgment of the City Commission or other governing body may be deemed proper.

Be it Enacted by the Legislature of Alabama:

Section 1. That all cities or towns in the State of Alabama, having a population of 68,000 and not more than 100,000 according to the last or any subsequent Federal census, is hereby authorized through its City Commission or other Governing body of such city or town, to make any compromises or settlements on any paving tax assessment past due against any property owner, whether person, firm or corporation, for any amount and under any terms or conditions that said City under its governing body may deem advisable.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall become effective upon its passage and approval.

Approved June 29, 1931.

No. 327.) (H. 852—Bradford (Jefferson)

AN ACT

To provide in all Counties in this State having a population of 300,000 inhabitants or more, according to the last or any subsequent Federal census, for an action of ejectment to recover possession of real property, and regulate the proceedings in such action by a purchaser of real property at mortgage foreclosure sale, or by one claiming under such purchaser.

Be it Enacted by the Legislature of Alabama:

Section One. That whenever real estate in Counties in this State having a population of 300,000 inhabitants or more, according to the last or any subsequent Federal census, is sold under the power contained in a mortgage, or deed of trust, and the purchaser at such sale, or person claiming under such purchaser has made written demand for possession thereof as provided in Section 10143 of the present Code of Alabama, and such possession has not been delivered as provided in such section, then such purchaser or person claiming under such purchaser shall have the right to bring and maintain an action of ejectment against such person or persons in possession in the Circuit Court of the County where such property is situated, or other court of competent jurisdiction in said County, and such action shall be a preferred case in said Court until disposed of.

Section Two. That the form of complaint in such ejectment suit shall be the same as is provided in sub-section 30 of Section 9531 of the present Code of Alabama.

Section Three. That when service of the summons and complaint in such action is had upon the defendant, as provided for herein, the defendant must answer, plead or demur to the complaint within fifteen days from the date of service, and should the defendant desire a jury trial, a demand for such trial must be made and filed with the Clerk of the Court within five days from the date of service of the summons and complaint. When the defendant files an appearance, the Clerk of the Court must set such action down for trial, as a preferred case, if the court is in session, on the second Monday from the date such appearance is entered by the defendant. When the court is not in session, such action shall be set down for trial by the Clerk as a preferred case on a day within two weeks from the date the court convenes.

Section Four. That upon the trial of such action, the plaintiff, by introducing in evidence the original mortgage and foreclosure deed or certified copies of the record thereof, or other legal proof of such instruments, and proof of demand for possession and failure to deliver possession, makes out a prima facie case, and it shall not be necessary or required in such action for either party to furnish to the other any abstract of title on which such party shall rely for a recovery or defense.

Section Five. That should the plaintiff be successful in such action, the court must enter a judgment in favor of the plaintiff for the property described in the complaint, and such damages as the Court, or the jury, if a jury be demanded, may assess for the detention thereof, and the court, or a jury, if a jury be demanded, shall ascertain and fix the yearly rental of such premises and the court shall order the defendant to surrender possession of the premises sued for to the plaintiff within ten days from the date of such judgment and unless the defendant surrenders possession of such property within said ten days, a writ of possession shall be issued by the Clerk of the Court in substantially the form provided in case of judgment in favor of the plaintiff in an action of statutory ejectment.

Section Six. That should the defendant desire not to surrender possession upon the expiration of said ten days period but should desire to file a motion for a new trial or appeal, he must file with the clerk of the court, a good and sufficient bond with sureties approved by the clerk of the court, and payable to the plaintiff in double the amount of the annual rental value of said property as ascertained by the court, or jury, and the damages assessed and accrued court costs. Said bond must be filed with the clerk of the court within ten days after judgment is rendered. Said bond shall be conditioned upon the successful prosecution of a motion for a new trial by the person filing said bond, and any appeal by him from said judgment and any appeal by him from an adverse ruling on said motion, and the payment of said judgment, with all costs, damages, and the rental value of such property pending such proceedings should he fail therein.

Section Seven. That the defendant shall have the right, after the giving of the bond as herein provided to file a motion for a new trial or to appeal from said judgment of the court within twenty days from the date of judgment or within twenty days from the date the motion for new trial is over-ruled.

Section Eight. That service of the notice or demand and of the summons and complaint as herein provided for, shall be had upon the defendants, unless the defendant is a non-resident or cannot be found, in either or which event, service of said notice or demand and of the summons and complaint, may be had by leaving the same with some person above the age of eighteen years, residing on or in possession of the premises, and in case no one is found on said premises, above said age, then by posting the same on the premises, but unless personal service of the summons and complaint is had upon the defendant, or the defendant files an appearance in such action, no personal judgment shall be rendered against such defendant for damages for the detention of the premises.

Section Nine. That if any section, clause, provision or portion of this act shall be held to be invalid, or unconstitutional, by any

court of competent jurisdiction, such holding shall not affect any section, clause, provision or portion of this act which is not in and of itself unconstitutional.

Section Ten. Judgment by default upon the expiration of said fifteen days, and all other proceedings and defenses applicable in ejectment suits, except as modified or changed by this act, shall be and remain in full force and effect, and the rights and remedies herein given are cumulative and in addition to any rights and remedies now existing.

Section Eleven. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section Twelve. That this act shall take effect immediately after it is approved by the Governor.

Approved June 29, 1931.

AN ACT

No. 328.) (H. 859—Taylor

To further regulate primary, special or general elections of Board of Revenue and Road Commissioners or other like governing bodies by whatsoever name called in all counties of the State of Alabama having a population of not less than 105,000 nor more than 300,000 according to the last or any subsequent Federal Census.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all primary, special or general elections of Board of Revenue and Road Commissioners or other like governing bodies by whatsoever name called in all counties of the State of Alabama having a population not less than 105,000 nor more than 300,000 according to the last or any subsequent Federal Census, wherein two or more members of such Board of Revenue and Road Commissioners are to be elected at the same time in any district of such county each of such offices or places to be filled shall be designated by number, according to the seniority in service of the existing incumbents. If there is no such seniority they shall be numbered in the alphabetical order of the names of the said present incumbents.

Section 2. Every candidate for such office or place shall in the announcement of his candidacy designate the number of the office or place for which he is a candidate and the ballots of such election shall be numbered accordingly.

Section 3. That all laws and parts of laws, general, local, private and special in conflict with the provisions of this Act shall be and the same are hereby repealed.

Section 4. This act shall take effect from and after its passage and approval by the Governor.

Approved June 29, 1931.

No. 329.) (H. 934—Tunstall

AN ACT

To authorize and direct the Judge of the Probate Court in each of the several counties in Alabama to conduct an investigation of the election of United States Senator at the general election held November 4th, 1930, and to file their findings in the office of the Governor and in the office of the Secretary of State of Alabama.

WHEREAS, in connection with the recount of the ballots cast in certain counties in Alabama in the Senatorial Election held in Alabama in November, 1930, made under the direction of the sub-committee of the Committee on Privileges and Elections of the United States Senate, now engaged in investigating such election, there have been reported by the Chief Supervisor of the said recount, various alleged irregularities in the conduct of said election, and various alleged instances of neglect or disregard by the election officials of directory provisions of the law, and various criticism of the condition of some of the ballots, ballot boxes, and other documents connected with said election; and

WHEREAS, the people of Alabama desire that the facts and all the facts, concerning the manner of conducting said election, and the results thereof be judicially ascertainment by an examination under oath in a judicial proceeding of the election officers holding said election, and of the persons having custody of such ballots, ballot boxes or other documents, and of such other persons as may have knowledge of any relevant facts, therefore,

Be it Enacted by the Legislature of Alabama,

Sec. 1. That upon receiving the report made by the Chief Supervisor conducting the recount of ballots cast in the election for United States Senator at the general election held in Alabama on November 4th, 1930, under the authority of the sub-committee of the Committee on Privileges and Elections of the United States Senate, the Judge of the Probate Court in each of the several counties in Alabama is hereby authorized and directed to hold an investigation of the matters and things mentioned in said report for their respective counties. It shall be the duty of each Judge of the Probate Court to investigate, ascertain and declare as to the following: A. Ascertain what boxes reported to be not locked or sealed were not locked or sealed by the election officers. B. If any of said boxes were not locked and sealed by the election officers, ascertain what boxes were not locked and sealed, and why they were not locked and sealed. C. Were any of said boxes opened while in the possession of the precinct returning officer, and before delivery to the Sheriff. If so, from what election districts were said boxes opened? D. Were any boxes opened between the time the same were delivered to the Sheriff and the meeting of the Canvassing Board? If so, from what election precinct, by whom, when, in whose presence, and for what purpose? E. Were any boxes opened by the Canvassing Board? If so from what election precincts? Also why said boxes were opened? Also who was present at the official canvass in addition to the members of the Canvassing Board? Also

what supporters of either candidate for Senator in said election were present, if any? Also if any objection was made by any one to opening any of the boxes, if any were opened? F. Were any boxes opened while the boxes were in the custody of the former Sheriff, except such boxes as were opened by the Canvassing Board? If so, what boxes, when, for what purpose, and in whose presence? G. Did the Independent or Jeffersonian organization, or the Republican organization, submit a list from which to appoint election officers? Which organization submitted the list? How many were appointed at each voting box from said list? If neither the Republican nor Independent or Jeffersonian organization submitted a list, what effort, if any, was made to give representation to the candidate opposing the Democratic nominee for United States Senator? H. At what voting places under investigation did the candidate opposing the Democratic nominee have watchers? I. Were watchers for the candidate opposing the Democratic nominee for United States Senator refused any rights provided by law? J. Do the anti-Democratic election officers claim there was any fraud in the boxes where they served? Do they claim that there is any difference in the votes as counted by the election officers immediately after the polls were closed and the official certificates of results signed by them and used at the official count? K. If similarity of handwriting in signatures is reported, ascertain whether the writing was done by one of the election officers, and if so, whether it was authorized by those whose names were so signed. L. When it is reported that stubs were not detached from the ballots, ascertain whether that was the practice of the election officers in said box. M. Where it is reported that stubs were not detached and were not initialed, ascertain if that was the practice of the election officers in said box. N. Where it is reported that ballots were not numbered, ascertain if that omission was made by the election officers. O. Where it is reported that ballots were numbered with pencil, ascertain if that was done by the election officers. P. Where it is reported that ballots were not sealed in an envelope, ascertain whether or not they were sealed in an envelope by the election officers. Q. Ascertain whether the certificate of the result of the election used in the official canvass in all boxes reported to be not locked or sealed, and in which any irregularities are reported, was signed by the election officers and whether it truly stated the number of votes actually received by each of the candidates for United States Senator. R. Investigate, ascertain and declare the true facts as to any other irregularities reported or criticisms made by the said Chief Supervisor of ballot recounting.

Section 2. The Judge of the Probate Court is hereby authorized and directed to issue subpoenas for witnesses to appear before him, and to administer oaths to all witnesses appearing before him either voluntary or under subpoena.

Sec. 3. The Sheriff shall promptly serve all subpoenas delivered to him by the Judge of the Probate Court.

Sec. 4. Subpoenas to witnesses sent through the mail and received, shall be as binding upon the witnesses as if served in person by the Sheriff.

Sec. 5. Either candidate for United States Senator in said election may appear in person or by attorney at said investigation, may examine witnesses and offer legal and relevant testimony as to any relevant issue.

Sec. 6. Such investigation shall be held promptly and shall be conducted as expeditiously as a due and proper regard for the ascertainment of the truth as to the matter inquired about will permit.

Sec. 7. When the investigation has been finished, the Judge of the Probate Court shall file in the office of the Governor and in the office of Secretary of State of Alabama a written report showing his findings on all matters and subjects set out in this Act, which reports shall be public documents subject to inspection at all proper times.

Approved June 30, 1931.

No. 330.) (H. J. R. 179—Lee of Monroe

HOUSE JOINT RESOLUTION

WHEREAS, the William Wyatt Bibb Bridge operated by the Alabama Bridge Corporation is located across the Alabama river at Claiborne, in Monroe County and near the line of Clarke County; and

WHEREAS, the old town of Claiborne, and old Fort Claiborne located at the same place, are points rich in the early history of Alabama; and

WHEREAS, the town of Claiborne and the community near by made many valuable contributions to the statesmanship of the state in the early years of its statehood, among its great men being two former governors of the state, one of said governors, Murphy, having been buried near Claiborne in Clarke County; and

WHEREAS, said bridge is now known and referred to by people for many miles around as the "Claiborne Bridge," but few of them really knowing that it has a different official designation; and

WHEREAS, it is the sense of this Legislature that the said town and fort Claiborne, as well as the Governor whose remains sleep in that community, are sufficiently linked with the early history of the state to deserve some lasting memorial. Now, therefore,

BE IT RESOLVED by this House of Representatives, the Senate concurring, as follows:

1. That the Alabama Bridge Corporation is hereby requested to change the name of said bridge to Claiborne-Murphy Bridge.

2. That the said corporation is further requested to reserve the name of William Wyatt Bibb to be given the next bridge constructed or named by it.

Approved June 29, 1931.

No. 331.) (H. J. R. 181—Reeder

HOUSE JOINT RESOLUTION

WHEREAS, the people of the State of Alabama are vitally interested and affected by any solution which may be made of the problems arising by reason of the ownership by the United States Government of the property at Muscle Shoals, Alabama; and

WHEREAS, the Legislature of the State of Alabama is desirous that there should be an immediate solution of said problem and believes that said property should be devoted primarily to the quantity production of fertilizers and to the development of the resources and industries of the Tennessee Valley; and

WHEREAS, by message dated the 3rd of March, 1931, the President of the United States has suggested that the States of Alabama and Tennessee which are the ones primarily concerned should set up a joint commission of their own representatives, together with a representative from National farm organizations and the Corps of Army Engineers, to determine the most advisable solution of the problem; Now, Therefore,

BE IT RESOLVED BY THE HOUSE, the Senate concurring, that; The Governor of the State of Alabama be and is hereby authorized and empowered to appoint three commissioners to represent the State of Alabama to consult with the commission created by duly constituted authority to represent the State of Tennessee in connection with the above matter and with any representative that may be appointed from national farm organizations and any representative from the Corps of Army Engineers or any of them to study and recommend to the President of the United States a plan for the proper solution of the problem arising out of the ownership by the United States Government of the plants and property located at Muscle Shoals, Alabama; and

BE IT FURTHER RESOLVED that commissioners as representatives of the State of Alabama be and are hereby authorized to join the three commissioners representing the State of Tennessee in requesting the President of the United States to designate a member of the Corps of Engineers of the United States Army and

a representative of the national farm organizations, to advise and consult with the commissions appointed by the State of Alabama and the State of Tennessee and in connection with those commissions to constitute a national commission to make recommendations to the President,

BE IT FURTHER RESOLVED that the Governor of the State of Alabama in appointing such commissioners shall appoint no person connected directly or indirectly with any Power Company, or Fertilizer Company, nor shall he appoint any person whose interests might be adversely affected by quantity productions of fertilizer or by sale of surplus power; and

BE IT FURTHER RESOLVED that said commissioners shall make no recommendation to the President in connection with Muscle Shoals problem unless such recommendation embody a plan whereby the said Muscle Shoals property shall be leased and operated by a private corporation or an individual, and devoted primarily, (a) to the interests of agriculture through the quantity production of fertilizers, fertilizer materials and other useful products. Such fertilizer and fertilizer materials should be sold as far as possible and practical to farmers and farmers' organizations, the profits on the manufacture of such fertilizers to be limited to a reasonable amount, and (b) to the development of the resources and industries of the Tennessee Valley. Such lease to be, if possible, as good or better than Henry Ford's offer for Muscle Shoals.

BE IT FURTHER RESOLVED, that the said commissioners of the State of Alabama herein designated shall receive no salary or compensation for their services.

Approved July 2, 1931.

No. 332) (S. 136—Harlan

AN ACT

To regulate the practice of pharmacy and the manufacture, sale and distribution of drugs, chemicals, and poisons and providing penalties for the violation thereof; defining certain terms; and providing for the appointments of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law.

Be it Enacted by the Legislature of Alabama:

Section 1. (a) DEFINITIONS: "Pharmacist," When not otherwise listed, means a person duly registered or licensed by the Board of Pharmacy to practice pharmacy in this State. (b) "Pharmacy," when not otherwise specifically designated "Apothecary Shop" or "Drug Store," shall for the purpose of this Act mean a place registered by the Board of Pharmacy, where drugs, medi-

cines, prescriptions, chemicals or poisons are compounded, dispensed or retailed. (c) "Chemical" or "Chemicals," where not otherwise designated or limited, means definite chemical compounds or the chemical materials of medicines. (d) "Medicine" or "Medicines," where not otherwise limited, means a drug, drugs, chemicals, compounds or preparations thereof, in suitable forms for use as curative or remedial substance, either internally or externally by man or for animal. (e) "Drug" or "Drugs," where not otherwise limited, means any substance or substances used as medicines or in the preparation of medicines. (f) "Board" or "Board of Pharmacy," wherever used in this Act, unless otherwise limited, means the State Board of Pharmacy in this State. (g) "Pharmacopoeia," wherever used in this Act, unless otherwise limited, means the latest edition of the Pharmacopoeia of the United States of America. (h) "Formulary" means the latest edition of the National Formulary. (i) "Pharmaceutical Syllabus" means the latest edition of that work published by the National Syllabus Committee.

Section 2. BOARD TO CONSIST OF FIVE MEMBERS: There shall exist and be maintained within the State, a Board of Pharmacy with duties and powers, as hereinafter defined and provided. The Board of Pharmacy shall consist of five (5) members, and the members of the now existing State Board of Pharmacy, heretofore appointed, shall continue in office and shall act as the Board of Pharmacy, with all the duties and powers as herein provided until December 31st, of the year in which the term of office of the present members respectively expire, the vacancies as they occur to be filled in keeping with the requirements of this Act.

APPOINTEES TO BE ACTIVE PHARMACISTS: Hereafter, only registered pharmacists who have been licensed in this State for at least ten (10) years and are actively engaged in retail pharmacy shall be eligible for appointment to the State Board of Pharmacy.

MAJORITY OF MEMBERS TO BE GRADUATES IN PHARMACY: At least a majority of the members of the Board shall be graduates of a school or college of pharmacy generally recognized at the time of graduation, but they shall not be connected with any school or college of pharmacy in a professional or executive capacity. If the now existing Board of Pharmacy is not so constituted, the first occurring vacancies on the Board shall be filled with appointees having such qualifications, except in the case of re-appointment of present members, and such qualifications for at least a majority of the Board shall thereafter be maintained.

APPOINTMENT BY GOVERNOR FOR FIVE (5) YEAR TERM—ONE TERM EXPIRING ON DECEMBER 31ST, EACH YEAR: From a list of five (5) eligible names submitted by the Alabama Pharmaceutical Association, the Governor shall appoint a member of the Board of Pharmacy, who shall serve for

a term of five (5) years, or until his successor is appointed and has duly qualified, Provided, that the respective terms of office shall expire on the 31st day of December of each year; vacancies occuring in the Board other than by expiration of term shall be filled for the unexpired term only.

MEMBERS TO RECEIVE $10.00 PER DIEM AND EXPENSES: The members of the Board shall be paid Ten Dollars ($10.00) per diem, and their necessary expenses while actually engaged in the performance of the duties of the Board.

PHARMACEUTICAL ASSOCIATION SHALL ANNUALLY RECOMMEND CANDIDATES TO GOVERNOR: On or before December 1st of each year, the State Pharmaceutical Association shall from among its membership, nominate five (5) candidates who shall meet the requirements as herein provided, for the next occurring vacancy on the Board of Pharmacy, and from among the nominees when regularly submitted and certified by the president and the secretary of the Association, the Governor shall make his appointment for the vacancy or vacancies occurring in the Board.

APPOINTEES SHALL QUALIFY WITHIN THIRTY (30) DAYS: Appointees to the Board of Pharmacy shall, within thirty (30) days after their appointment, take and subscribe an oath or affirmation before a properly qualified officer, that they will faithfully and impartially perform the duties of their offices, which oath or affirmation shall be filed with the Secretary of State.

Section 3. PRESIDENT, VICE-PRESIDENT, SECRETARY AND TREASURER ELECTED ANNUALLY; LATTER MAY OR MAY NOT BE BOARD MEMBER: The State Board of Pharmacy shall organize by electing a president and a vice-president, both of whom shall be elected annually from its members, and a treasurer and a secretary who may or may not be a member of said Board. The officers of the existing Board of Pharmacy shall continue to act until the term for which they have been elected shall expire.

BOARD TO MAKE BY LAWS, RULES AND REGULATIONS AND FIX STANDARDS FOR REGISTRATION EXCEPT AS OTHERWISE SPECIFIED: The Board shall have a common seal and shall have power to make by-laws, rules and regulations for the proper performance of its duties and the duties of its officers and employees, and to carry out the provisions of this Act. The Board shall also have power to fix standards and requirements for pharmaceutical registration, except as otherwise specified.

BOARD TO EMPLOY NECESSARY CHEMISTS, INSPECTORS, CLERKS AND ATTORNEY: The Board shall have the power to employ a chief drug inspector and two assistant drug inspectors whose duty it shall be to enforce all of the pro-

visions of this Act under the direct supervision of the Board. The Board shall also have the power to employ such chemists, agents and clerical help needed for the proper conduct of the office, and shall have the authority to employ an attorney to assist in prosecution under this Act, and for any other purpose it may deem necessary.

DUTY OF OFFICERS: The President of the Board shall preside at all its meetings and in his absence or inability to preside, the vice-president shall so act. The Secretary of the Board of Pharmacy shall be the executive officer in charge of the Board's office. He shall make, keep, and be in charge of all records and record books required to be kept by the Board, including a register of all registrants who under this Act are required to be registered, and also of all places of business required to be registered thereunder, and shall attend to the correspondence of the Board and perform such other duties as the Board may require, in keeping with the office of secretary. He shall receive and receipt for all fees collected under this Act, and at regular intervals as ordered by the Board, shall pay the same over to the Treasurer of the State Board of Pharmacy for the use of the State Board of Pharmacy.

COMPENSATION AND EXPENSE PAID OUT OF BOARD FUND: The compensation and expense of the members, officers, and employees of the Board shall be paid out of this fund. All disbursements shall be made by warrant, or voucher signed by the president and the secretary of the Board.

SECRETARY TO FURNISH BOND: The Secretary, also Treasurer, of the Board shall furnish a bond, the amount of such bond to be fixed by the Board, conditional upon the faithful performance and discharge of the duties of his office according to law.

SECRETARY'S SALARY: The Secretary, also Treasurer, shall receive a salary to be fixed by the Board, and all necessary expenses incurred in the performance of his official duties.

MEMBERS OF BOARD EMPOWERED TO ADMINISTER OATHS: Any member of the Board shall be empowered to administer oaths in connection with the duties of the Board.

BOOKS, RECORDS PRIMA FACIE EVIDENCE IN COURT: The books, registers, and records of the Board as made and kept by the secretary or under his supervision, subject to the direction of the Board, shall be prima facie evidence of the matter therein recorded, in any court of law.

Section 4. TIME AND PLACE OF MEETING OF BOARD: The Board of Pharmacy shall hold meetings for the examination of applicants for registration and for the transaction of such other business as may legally come before it, at least three (3) times a year, and such additional meetings as may be deemed necessary. Due public notice of all stated meetings shall be given at least thirty (30) days in advance of said meetings.

ANNUAL REPORT OF BOARD: The Board shall make a written report annually to the Governor of the State and to the State Pharmaceutical Association, of its proceedings and of its receipts and disbursements under this Act, including also the names of all registrants duly licensed to practice under this Act and record of permits and renewals.

Section 5. BOARD CHARGED WITH ENFORCEMENT OF ALL LAWS PERTAINING TO PHARMACY: It shall be the duty of the Board of Pharmacy to enforce the provisions of all laws of the State which pertain to the practice of pharmacy, the manufacture, production, sale or distribution of drugs, chemicals and poisons, and to their standard of strength and purity.

Section 6. WHO MAY SELL, COMPOUND AND DISPENSE DRUGS AND MEDICINES: USE OF TERMS DRUG STORE, PHARMACY, ETC., PROHIBITED UNLESS REGISTERED PHARMACIST IN CHARGE: It shall be unlawful for any person, firm, corporation, or co-partnership, to open or conduct a place of business, pharmacy, dispensary, drug store, apothecary shop, or store, in which drugs, medicines, or poisons are retailed, compounded and dispensed, or to stock, expose or offer for sale at retail any drugs, medicines, chemicals or poisons, except as otherwise specifically provided; or to use or exhibit the title "drugs," "Drug store," "Drug shop," "Pharmacy," or "Apothecary," or any combination of such words or titles, or any title or description of like import, or any other term or terms designated to take the place thereof, without placing in active personal charge and on duty at all times during business hours except for temporary absences as defined and prescribed by the Board of Pharmacy at each place of business a pharmacist duly registered and licensed by the Board of Pharmacy of this State. It shall be unlawful for any firm, corporation, or place of business to advertise as pharmacists unless the owners thereof, of such places of business, are duly registered as pharmacists; provided, however, that the owners may advertise the fact that they have registered pharmacists in their employ. And Provided further that nothing in this section shall prevent a person, firm or corporation who is now using the term drug store and who does not now sell any medicines except patent medicines and household remedies as specified by the Board of Pharmacy, from continuing to use the term drug store for a period of twelve months from the passage of this Act.

PENALTY FOR VIOLATION: Any person, firm, corporation or copartnership violating the provisions of this section shall be liable to a penalty of not less than twenty-five ($25.00) nor more than two hundred dollars ($200.00) and cost of prosecution for the first offense, and for each succeeding offense not less than fifty ($50.00) nor more than two hundred dollars ($200.00) and cost of prosecution.

ADMINISTRATION OF MEDICINES BY PHYSICIANS, DENTISTS AND VETERINARIANS PATENTS AND PROPRIETARIES EXEMPTED; WHOLESALE AND MANUFACTURERS EXEMPTED; Provided, however, that nothing herein contained shall be construed to prevent the personal administration of drugs and medicines carried or kept by licensed physicians, dentists or veterinarians, in order to supply the needs of their patients; nor to prevent the sale of patent or proprietary medicines or remedies, which do not contain opium or cocoa leaves, or any compound, manufacture, salt, derivative or preparation thereof, when sold at retail in original packages; not to prevent the sale of drugs, medicines, chemicals, poisons, or patent and proprietary medicines at wholesale by wholesale dealers or manufacturers thereof who keep in their employ at least one registered pharmacist; Provided further that the Board of Pharmacy may grant to any legally licensed physician in towns where there is no licensed pharmacist an annual permit to conduct a pharmacy or drug store in such town or village subject to the provisions of this Act.

Section 7. REQUIREMENTS FOR REGISTRATION AS PHARMACIST: MUST BE GRADUATE IN PHARMACY, ETC; RETAIL PHARMACY EXPERIENCE REQUIREMENTS; ACTUAL COLLEGE ATTENDANCE NOT TO EXCEED THREE (3) YEARS CREDITED ON REQUIRED FOUR (4) YEARS' TRAINING; MINIMUM OF ONE (1) YEAR DRUG STORE EXPERIENCE EVEN IF FOUR (4) YEAR GRADUATE. Every applicant for examination and registration as a pharmacist shall be not less than twenty-one (21) years of age, of good moral character and temperate habits, a graduate of a grade A school or college of pharmacy, or department of pharmacy of a university, whose requirements are not less than the minimum requirements for membership in the American Association of College of Pharmacy, recognized by the Board of Pharmacy, and shall file proof satisfactory to the Board, substantiated by proper affidavits, of sufficient service and experience in a retail pharmacy, under the supervision of a registered or licensed pharmacist, to make a total, together with actual time of college attendance, of at least four (4) years of pharmaceutical training; and shall pass an examination by the Bord of Pharmacy; Provided, that in all cases the actual time of attendance at school or college of pharmacy, or a department of pharmacy of a university, to be credited on the required four (4) years of pharmaceutical training, shall not exceed three (3) years. Service and experience in a retail pharmacy under the supervision of a registered or licensed pharmacist as required in this section shall be predominantly related to the selling of drugs, compounding physician's prescriptions, preparing pharmaceutical preparations, and keeping records and mak-

ing reports required under the State and Federal statutes. And Provided Further, that all persons who hold Assistant Pharmacy License in Alabama shall have the privilege of taking a pharmacist examination before the State Board of Pharmacy on or before the 1st day of July, 1932, and if successful shall be issued a pharmacist license. And Provided Further, that any person of good moral character who now is, and has been, actively and continuously engaged in the drug business for the past ten (10) years in a town of less than two thousand (2,000) population may appear before the State Board of Pharmacy and take a limited examination; and, if successful, shall receive a limited license which shall entitle him or her to practice pharmacy in such town. And Provided Further, that such limited license shall become null and void immediately when the owner thereof sells his or her business, or for any other reason discontinues the practice of pharmacy in his or her present locality. Any person who can qualify under this provision of Section 7 must appear before the Board on or before July 1, 1932, for examination. And Provided further, that all persons of good moral character who now have been actively and continuously engaged in the drug business as an owner or clerk and doing prescription work under the supervision of a registered pharmacist for the past ten years or who will between the date of approval of this Act by the Governor and March the first, 1932 have been actively and continuously engaged in the drug business as an owner or clerk and doing prescription work under the supervision of a registered pharmacist for ten years shall have the privilege of taking a pharmacist examination before the State Board of Pharmacy on or before the 1st day of July, 1932 to be licensed as a pharmacist, and if successful shall be issued a pharmacist license.

RECIPROCITY: AND PROVIDED FURTHER, that the Board of Pharmacy in its discretion register as a pharmacist, without examination, any person who is duly registered by examination in some other State, provided that the said person shall produce evidence satisfactory to the Board of having had the required secondary and professional education and training, and is possessed of good character and morals, as demanded of applicants for registration under the provisions of the Pharmacy Act of this State; Excepting, that persons of good character who have become registered as pharmacists by examination in other States prior to the time this Act becomes in force shall be required to satisfy only the requirements which existed in this State at the time when they became registered in such other State; and Provided also, that the State in which such person is registered shall, under like conditions, grant reciprocal registration as pharmacist, without examination, to pharmacists duly registered by examination in this State.

Section 8. It shall be unlawful for any person, firm or corporation, to sell, furnish, or give away any cocaine, alpha, or beta

eucaine, opium, morphine, heroin, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances or their salts, except upon the original written order or prescription of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which order or prescription shall be dated, and shall contain name of the person for whom prescribed; or, if ordered by a practitioner of veterinary medicine, shall state the kind of animal for which ordered, and shall be signed by the person giving the prescription or order. Such written order or prescription shall be preserved on file for a period of not less than two (2) years by the person, firm or corporation, who shall compound or dispense the article ordered or prescribed, and it shall not be again compounded or dispensed, except upon the written order of the original prescriber for each and every subsequent compounding or dispensing. No copy or duplicate of such written order or prescription shall be made, or delivered to any person, but the original shall at all times be open to inspection by the prescriber and properly authorized officers of the law, PROVIDED, however, that the provisions of this Act shall not be construed to apply to the manufacture, sale, distribution, giving away, dispensing or possession of preparations and remedies which do not contain more than (2) grains of opium, or more than one-fourth (¼) of a grain of morphine, or more than one-eighth (⅛) of a grain of heroin, or more than one (1) grain of cocaine, or any salt or derivative of any of them in one (1) fluid ounce, or, if a solid or semi-solid preparation, in one (1) avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use, only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine, or any of their salts or any synthetic substances from them; PROVIDED, that such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of this Act. PROVIDED, further, that any manufacturer, producer, compounder, or vender (including dispensing physicians) of the preparations and remedies mentioned in this section shall keep a record of all sales, exchanges, or gifts or such preparations and remedies in such manner as the Board of Pharmacy shall direct. Such record shall be preserved for a period of two (2) years in such a way as to be readily accessible to inspection by any officer, agent or employee of the State Board of Pharmacy. AND, PROVIDED, FURTHER, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers, to retail druggists or qualified physicians, or to each other, nor to the sale by retail druggists to regular practitioners of medicine, dentistry, or veterinary medicine, or to each other nor to sales made to manufacturers of proprietary or

pharmaceutical preparations for use in the manufacture of such preparations, nor to sales to hospitals, colleges, scientific or public institutions. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine, to furnish to, or to prescribe for, the use of any habitual user of the same, any cocaine, heroin, alpha, or beta eucaine, opium, morphine, or any salt or compounds of any of the foregoing substances, or any preparations containing any of the foregoing substances, or their salts or compounds. And it shall also be unlawful for any practitioner of dentistry to prescribe any of the foregoing substances for any person not under his treatment in the regular practice of his profession, or for any practitioner of veterinary medicine to prescribe any of the foregoing substances for the use of any human being. PROVIDED, HOWEVER, that the provisions of this section shall be construed not to prevent any lawfully authorized practitioner of medicine from furnishing or prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this Act.

PENALTY FOR VIOLATION: Any person who shall violate any of the provisions of Section 8 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than Fifty Dollars ($50.00), nor more than Two Hundred Dollars ($200.00), and upon conviction for second offense shall be fined not less than One Hundred Dollars $100.00), nor more than Five Hundred Dollars ($500.00) and upon conviction for a subsequent offense shall be fined not less than Five Hundred Dollars ($500.00) and shall be sentenced to hard labor for the County for not more than six (6) months; and if a licensed pharmacist, or assistant pharmacist, his license shall be revoked by said Board of Pharmacy. The Court record of the conviction shall be accepted as competent evidence. It shall be the duty under this Act of all Judges at every term of their courts to charge all regularly empanelled grand juries of their courts to diligently inquire into and investigate all cases of the violations of any provisions of this Act, and to make true presentment of all persons guilty of such violations. It shall be the duty of said Board of Pharmacy to cause the prosecution of all persons violating any provisions of this Act. No prosecution shall be brought for the sale of any patent or proprietary medicine containing any of the drugs or preparations hereinbefore mentioned until said Board of Pharmacy shall certify that such medicine contains any of the said drugs or preparations in excess of the minimum percentage heretofore mentioned.

Section 9. Any person not qualified under the provisions of this Act to buy and sell narcotic drugs, or who has been issued

or who has in his possession a Federal license to buy and sell narcotic drugs, such as opium, and its derivatives, cocaine and its salts, beta and alpha eucaine, shall be considered a violator of the provisions of Section 8 of this Act, and the fact that he has been issued such Federal license or has such license in his possession shall be taken as prima facie evidence against him.

Section 10. That it shall be unlawful for any person to retail any poisons enumerated in Schedules "A" and "B" which are as follows, except upon the conditions hereinafter named: Biniodide or Mercury, Cyanide of Potassium, Carbolic Acid, Hydrocyanic Acid, Strychnine, Arsenate and its preparations, and all other poisonous alkaloids and their salts not included in Section 8 of this Act and the essential oil of bitter Almonds, Schedule "B"—Acenite, Belladonna, Colchium, Conium, Nux Vomica, Henbane, Savin, Ergot, Cotton Root, Cantharides, Creosote, Veratrium, Digitalis, and their pharmaceutical preparations, Croton Oil, Chloroform, Sulphate of Zinc, Corrosive Sublimate, Red Precipitate, White Precipitate, Mineral Acids and Oxalic Acid. PROVIDED, that any of the poisons hereinafter included in Schedule "A" may be legally sold by any registered pharmacist, but he shall before delivering the same to the purchaser, cause an entry to be made in a book kept for that purpose, stating the date of sale, name and address of purchaser, the name of person sold and the amount, the purpose for which it was represented by the purchaser, to be required, and the name of the dispenser, such book to be always open for inspection by the proper authorities, and to be preserved for at least three (3) years. PROVIDED, FURTHER, that any of the poisons hereinabove named in Schedule "B" may be legally sold, but only on the condition that the person, firm or corporation, selling or furnishing the same shall label the box, vessel or paper in which the said poison is contained with the name of the drug, the word "poison" and the name and place of the seller. Nor shall it be lawful for any registered pharmacists to sell or deliver any poisons enumerated in Schedule "A" and "B" above, unless upon due inquiry it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for legitimate purposes. The provisions of this section shall not apply to the dispensing of poison in not unusual quantities or upon the prescription of practitioners of medicine. PROVIDED, nothing in this section shall prohibit the sale of insecticides, fungicides or poisons used in the arts; when sold in original packages and labeled according to the law and other remedies or materials used in the control or eradication of insect pests and plant diseases.

PENALTY FOR VIOLATION: Whoever shall violate any of the provisions of Section 9 and 10 of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-Five Dollars ($25.00) nor more than One

Hundred Dollars ($100.00). Whoever shall fail to preserve the original of any prescription, or a true copy of the same, or to produce same when lawfully required, in accordance with the provisions of Section 8 of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00)

Section 11. FEE FOR REGISTRATION AS PHARMACIST: Every applicant for examination and registration as pharmacist shall pay to the Board of Pharmacy at the time of filing application a fee of Fifteen Dollars ($15.00). In case the applicant passes a satisfactory examination, the secretary of the Board shall issue to the applicant a certificate as registered pharmacist. FEE FOR REGISTRATION BY RECIPROCITY: Every applicant for reciprocal registration shall pay a fee of Twenty-Five Dollars ($25.00) to the State Board of Pharmacy. All certificates, licenses and permits issued by the Board of Pharmacy shall bear the signature of all members and officers of the Board.

Section 12. ANNUAL EXPIRATION OF CERTIFICATES: All certificates of registration issued by the Board of Pharmacy shall expire on the 31st day of December following the date of issuance of the same. RENEWAL FEE REGISTERED PHARMACIST: Every registered pharmacist engaged in the active practice of pharmacy shall pay to the Secretary of the Board annually between January 1st and March 1st a renewal fee of Two Dollars ($2.00) or, at his option may apply for, and if proper may receive a license to cover the term of his natural life upon payment of a fee of Twenty-Five Dollars ($25.00). CERTIFICATES NULL AND VOID UNLESS RENEWED BY MARCH 1st; REINSTATEMENT OF LAPSED CERTIFICATES: The payment of annual renewal fee shall entitle the registrants to renewal of certificate. If the renewal fee for any pharmacist's certificate, the holder of which is actively engaged in the practice of pharmacy, be unpaid by the 1st day of March of any year, such certificate is hereby declared null and void, and the holder thereof may be reinstated as a registered pharmacist only upon payment of a penalty of Ten Dollars ($10.00) and all lapsed fees, Provided, that actual retirement from the profession by any registered pharmacist for a period not exceeding five (5) years shall not deprive him of the right to renew the registration upon the payment of lapsed fees.

Section 13. DRUG STORE, REGISTRATION REQUIREMENT. The Board of Pharmacy shall require and provide for annual registration of every pharmacy, drug store, pharmacy department, prescription laboratory, dispensary or apothecary in this State. Any person, firm, corporation, or co-partnership desiring to operate, maintain, open or establish a pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothe-

cary, in this State shall apply to the Board of Pharmacy for a permit or license to do so within thirty days. The application for such permit or license shall be made on a form prescribed and furnished by the Board of Pharmacy, which, when properly executed, shall indicate the ownership, trustee, receiver, or other person or persons desiring such permit or license, including the name of the registered pharmacist owner or manager in charge or to be placed in charge, as well as the location of such pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary, including street, name and number, and such other information as the Board may require. If it is desired to operate, maintain, open or establish more than one pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary, separate application shall be made and separate permit or license shall be issued for each. FEE FIVE DOLLARS: Every application for a permit shall be accompanied by the required fee of Five Dollars ($5.00), which amount shall also be paid annually as the fee for renewal of such permit or license. If an application is found to be satisfactory by the Board of Pharmacy, the Secretary shall issue to the applicant a permit or license for such pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary, for which an application is made. PERMITS NON-TRANSFERABLE; PERMIT VOID UNLESS RENEWED BY LAST DAY OF FEBRUARY: Permits or licenses issued under this section shall not be transferable, and shall expire on December 31st of each calendar year, and if application for renewal for permit or license is not made and a new one granted on or before the last day of February, the old permit or license shall lapse and become null and void. Change of ownership, management, or registered pharmacist in charge must be reported promptly to the Board in writing. The Board of Pharmacy is hereby authorized to revoke any permit or license issued under the provisions of this section at any time when examination or inspection of the pharmacy, drug store, pharmacy, department, prescription laboratory, dispensary, or apothecary, for the operation of which the permit or license was granted, shall disclose that such place is not being conducted according to the law. $25.00 FINE FOR FAILURE TO SECURE PERMIT: Any person, firm, corporation or co-partnership owning, operating or, maintaining a pharmacy, drug store, pharmacy department, prescription laboratory, dispensary, or apothecary in violation of this section by failing to secure a permit or license as required shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Twenty-Five Dollars ($25.00) and the cost of prosecution, and each and every day that such violation continues shall constitute a separate and distinct offense.

Section 14. CERTIFICATES, LICENSES AND PERMITS MUST BE DISPLAYED; PENALTY FOR NOT DISPLAYING

LICENSES AND PERMITS: If the holder of any certificate of registration, license, or permit granted under the provisions of this Act shall refuse or neglect to conspicuously display the same in the pharmacy, drug store, pharmacy department, dispensary, apothecary, store, or place of business to which it applies, or if the registered pharmacist who conducts as proprietor or manages any pharmacy, drug store, pharmacy department, dispensary, or apothecary, shall neglect or refuse to conspicuously display his name as R.Ph. (Registered Pharmacist) over the door of the pharmacy, drug store or apothecary, or if a pharmacy department or dispensary, in a conspicuous place in such department or dispensary, he shall be liable on conviction thereof to a penalty of not less than Twenty Dollars ($20.00) nor more than Fifty Dollars ($50.00) and the cost of prosecution.

Section 15. BOARD TO MAKE RULES FOR RECOGNITION OF SCHOOLS AND COLLEGES OF PHARMACY: The Board of Pharmacy shall adopt and promulgate standards and requirements for recognition of schools and colleges of pharmacy, subject to change as may be deemed necessary from time to time. The requirements shall include provisions for a course of instruction, equipment, and professional staff. NO SCHOOL OR COLLEGE TO BE RECOGNIZED UNLESS HIGH SCHOOL OR EQUIVALENT THEREOF IS REQUIRED FOR ENTRANCE TO COURSE: Provided, However, that no school or college of pharmacy shall be given recognition by the Board unless all persons entering for regular courses in pharmacy are required to be graduates of a standard recognized high school or have acquired the equivalent for a four (4) year high school course in some other institution of equal rank or standing, or shall have passed an examination for the equivalent of a four year high school course given by a State university or by a State department or bureau issuing a qualifying certificate.

Section 16. REVOCATION OR SUSPENSION OF LICENSE; BOARD OR ITS MEMBERS MAY EXAMINE WITNESSES UNDER OATH; SUSPENDED REGISTRANT MAY APPEAL TO COURT WITHIN 30 DAYS: The certificate of registration or license of any pharmacist may be revoked or suspended by the Board of Pharmacy when the registration is proved to the Board to have been obtained by fraudulent means, or when the registrant has been convicted of a felony, or is found by the Board to be guilty of gross immorality, reprehensible conduct or to be addicted to the liquor or drug habit to such a degree as to render him unfit to compound, sell or dispense drugs and medicines. A certificate of registration or license shall be revoked or suspended only after due notice and hearing, and, for the purpose of such hearing, the Board or any member thereof is hereby authorized to examine witnesses under oath and take oaths or affirmations, and to

reduce the testimony given in any such case to writing. Within thirty (30) days take an appeal to any court of record of the State, of competent jurisdiction, and pending such appeal the decision of the Board shall be suspended until the court renders judgment, which shall be final in the case, and if the decision of the Board is not sustained, the registrant shall be reinstated.

Section 17. LATEST REVISION OF U.S.P. AND N.F. TO BE KEPT IN EACH PHARMACY; PENALTY FOR VIOLATION: There shall be kept in every pharmacy or drug store a copy of the latest revision of the United States Pharmacopoeia, and the latest revision of the National Formulary, and if homeopathic remedies are compounded or dispensed, a copy of the latest revision of the Homeopathic Pharmacopoeia of the United States, which books must be available for the inspection of the Board of Pharmacy and its properly authorized agents and employees. Any person failing to comply with the requirements of this section shall, upon conviction, be fined the sum of Ten Dollars ($10.00) and the cost of prosecution.

Section 18. PHARMACOPOEIA AND N.F. STANDARD TO BE MAINTAINED; SUBSTITUTION WITHOUT NOTIFICATION FORBIDDEN: No person, firm or corporation shall manufacture, compound, sell or offer for sale, or cause to be manufactured, sold or offered for sale, any drug, medicine, chemical or pharmaceutical preparation, the strength and purity of which falls below the professed standard of strength and purity as required by the Pharmacoepoeia or National Formulary. Nor shall any pharmacist or other person being requested by means of a prescription, or in any other manner, to sell, furnish or compound any drug, medicine, chemical or pharmaceutical preparation, substitute or cause to be substituted therefor without notification to the prescriber or purchaser, any other drug, medicine, chemical or pharmaceutical preparation. PENALTY: Any pharmacist or other person violating any provision of this section shall, upon conviction, be fined not less than Ten Dollars ($10.00) nor more than Fifty Dollars ($50.00) and the cost of prosecution for the first offense, and for each subsequent offense shall be fined not less than twenty-five dollars ($25.00) nor more than One Hundred Dollars ($100.00) and the cost of prosecution.

Section 19. REQUIRED LABEL. Excepting as otherwise specifically provided by law, no person shall sell or dispose or retail any drug, medicine, or poison without affixing to the box, bottle, vessel or package containing said drug, medicine or poison, a clear and legible lable, either printed or written, bearing the name of the article with the name and the place of business of the registered pharmacist, owner or manager from which the article was obtained. PRESCRIPTION RECORD OR FILE MUST BE KEPT; VIOLATION FOR PENALTY. Every proprietor or manager of a

pharmacy or drug store shall keep in his place of business a suitable book or file in which shall be preserved for a period of not less than five (5) years the original of every prescription compounded or dispensed at such pharmacy or drug store, numbering, dating and filing them in the order in which they were compounded, and shall produce the same in court or before any Grand Jury whenever thereto legally required. Said book or file of original prescriptions shall at all times be open for inspection by the prescriber, the Board of Pharmacy and all officers of the law. Any person violating or failing to comply with the requirements of this section shall, upon conviction, be fined not less than twenty dollars ($20.00) nor more than Fifty Dollars ($50.00) and the cost of prosecution.

Section 20. ITINERATE VENDORS. It shall be unlawful for anyone to peddle any chemicals and/or drugs in bulk or broken packages, and/or compounding such drugs or chemicals, intended for the relief of human suffering unless he be a registered pharmacist or practicing physician in good standing and has complied with all the requirements of this Act. Provided, that nothing in this act shall be construed to apply in any way to vendors or merchants, dealers or itinerant peddlers selling household remedies, patent medicines, proprietaries or other preparations manufactured in compliance with the Federal Pure Food Laws and sold in unbroken packages, provided that such packages or containers shall have printed thereon complete directions as to the use and purpose of the contents. Any person violating this section shall be fined not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00) and costs of prosecution.

Section 21. All laws, or parts of laws in conflict with the provisions of this Act, shall be and the same are hereby repealed, and should any part of this law be declared unconstitutional, the parts not so declared unconstitutional, shall remain in full force and effect.

Section 21½. Provided however that the provisions of this bill will not prevent any Legally Licensed, Medical Doctor from owning or operating a drug store provided that said medical Doctor fill only his own prescriptions and not do a general prescription business.

Section 22. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved July 1, 1931.

No. 334.) (H. 33—Lee of Monroe

AN ACT

To amend Section 511, Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 511 of the Code of 1923 be and the same hereby is amended so that said Section shall read as follows: "511. (421) (1645) (388) (292). DECLARATION OF ELECTION RESULTS; WHEN AND HOW MADE. Immediately after ascertaining the results of an election for county officers, including members of the house of representatives of the legislature, the board of supervisors must make in writing a public declaration of the result, stating the name of each officer elected and the office to which he was elected. The declaration must be signed by at least two of the supervisors and must be published by filing the original in the office of the judge of probate, and by posting a copy thereof at the courthouse door. Said original certificate shall be recorded by the probate judge in a book to be provided for the purpose; and said record, or a duly certified copy thereof, shall constitute prima facie evidence of the result of said election and the declaration thereof as provided by law."

Section 2. This Act shall be effective upon its approval by the Governor.

Approved July 2, 1931.

No. 335.) (H. 215—Lee of Monroe

AN ACT

To amend Section 6336, Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6336 of the Code of 1923 be and the same hereby is amended so that said section shall read as follows: "6336. CAPITAL STOCK OF BANKS. No bank hereafter organized under the laws of Alabama shall have a capital stock, actually paid in, less than the following: in cities, towns and villages of less than three thousand population, $25,000.00; in towns and cities of three thousand to six thousand population, $50,000.00; in cities and towns of six thousand to fifty thousand population, $100,000.00; in cities of over fifty thousand population, $200,000.00. For the purposes of this section the last preceding federal, state or municipal census may be used."

Approved July 2, 1931.

No. 336.) (H. 549—Tate

AN ACT

To declare as a charitable trust every conveyance and devise of burial places and burial lots for the preservation, repair and maintenance thereof and every conveyance, transfer, devise and bequest of money or property for the preservation, repair, maintenance, embellishment, improvement and replacement of monuments and other things on burial places and burial lots and the ways and easements appurtenant thereto; to empower every burial society or burial association organized under the laws of this state, every corporation having power to act as trustee or engage in the business of owning, controlling and maintaining cemeteries, to act as trustee for any such trust; to provide that such trust may be perpetual or for any other length of time; and to validate all such conveyances, transfers, devises and bequests made prior to the effective date hereof.

Be it Enacted by the Legislature of Alabama:

Section 1; The preservation, repair and maintenance of public or private burial places or burial lots and the preservation, repair, maintenance, embellishment, improvement and replacement of monuments and other things thereon and the ways and easements appurtenant thereto are hereby declared and made proper matters of charity, and every conveyance, transfer devise and bequest of any such burial place or burial lot and/or any money or property in trust for such purposes, or any of them, shall be held to create a charitable trust.

Section 2; Every burial society or burial association organized under the laws of this state, every corporation having power to act as trustee or engage in the business of owning, controlling and maintaining private or public cemeteries, are hereby empowered to accept any such conveyance, transfer, devise or bequest and act as trustee for any such trust.

Section 3. Any trust created by any such conveyance, transfer, devise, or bequest may be perpetual or for any other length of time, and may be made subject to any lawful terms and conditions which shall not be inconsistent with the uses for which such burial place or burial lot, money or property may be so conveyed, transferred, devised or bequeathed.

Section 4; All conveyances, transfers devises and bequests for any purpose hereinabove set out made prior to the effective date hereof are hereby validated, ratified and confirmed.

Section 5; This Act shall take effect immediately upon its approval by the Governor.

Approved July 2, 1931.

No. 337.) (H. 672—Bradford of Cherokee

AN ACT

To amend an Act, approved July 29th, 1927, and entitled "An Act to define the business of burial companies, associations and societies; to provide for the better regulation of such companies, associations and societies, and to fix a standard of solvency for such companies, associations and societies, and to provide penalties for violation of this Act."

Be it Enacted by the Legislature of Alabama:

That the Act approved July 29th, 1927, and entitled "An Act to define the business of burial companies, associations and societies; to provide for the better regulation of such companies, associations and societies, and to fix a standard of solvency for such companies, associations and societies, and to provide penalties for violation of this Act," be and the same hereby is amended so as to read as follows:

Section 1.—All companies or associations, whether voluntary or incorporated under the laws of this State or any other State, and all individuals, firms and co-partnerships doing the business of providing burial or funeral benefits are hereby declared to be burial insurance companies or associations. All such companies or associations shall, before transacting any business in this State, submit their plan to the Superintendent of Insurance, together with a financial statement, copy of their charter, by-laws and other instruments governing the operation of such companies or associations, and if, upon examination, the Superintendent of Insurance is of the opinion that such company or association meets the requirements of the laws now in force, or hereafter in force for the regulation of such companies or associations, he shall issue to such company or association a license to transact business as a burial insurance company. No such company or association shall be licensed, authorized or permitted to transact business in this State until it has been duly examined by the Bureau of Insurance and has been found to have fully complied with all the requirements of the law governing burial insurance companies as herein defined. Such companies, before being licensed to do business in this State, must have net solvent assets amounting to not less than Fifty Thousand Dollars ($50,000.00), in value, consisting of cash, bonds of the United States Government, or of the State of Alabama, of some County or Municipality of said State, caskets, suits, robes, dresses, embalming and funeral supplies, funeral furniture and fixtures required in the conduct of funerals, all of which properties must be unencumbered, and of said net solvent assets not less than Five Thousand Dollars ($5,000.00) thereof must be in the form of bonds of the United States Government, or of the State of Alabama, of some County or Municipality of said State, which must be deposited with the Bureau of Insurance

of Alabama, before any such company shall be granted license to transact business within this State.

Section 2.—The Superintendent of Insurance shall, at least once each year, cause all contracts of such companies or associations, to be carefully valued, and shall require all such companies or associations, at all times, to have and maintain net solvent assets in excess of accrued liabilities on outstanding contracts, and all such companies or associations, must, at all times, maintain a sufficient reserve to provide for the payment of all benefits at maturity, such reserves to be computed by the Actuary of the Bureau of Insurance as of December 31st, of each year, in accordance with the American Experience Table, and when so computed, such valuation shall be required to be maintained as the reserve on such business until the next succeeding valuation which shall be made as of December 31st, in each year.

Section 3.—All such companies or associations shall be required to own and maintain, within sixty (60) miles of where their contracts are written, stocks of caskets, suits, robes, dresses, and sundry apparel, morgue and embalming supplies and equipment, furniture, funeral cars, hearses, automobiles, and other paraphanalia required in the conduct of funerals adequate to carry out their contracts in proper order.

Section 4.—Any company or association organized under the laws governing or relating to burial insurance companies, or doing the business of burial insurance companies, must have net solvent assets, unencumbered, amounting in value to not less than Fifty Thousand Dollars ($50,000.00), Five Thousand Dollars ($5,000.00) of which, in the form of United States, or Alabama State, County or Municipal bonds, must be deposited with the Bureau of Insurance of this State, and must have net solvent assets in excess of its accrued liabilities on outstanding contracts before it can be licensed to transact business within this State.

Section 5.—Any Burial Insurance Company, or association, failing or refusing to comply with any provision set out in its policy or certificate shall, be guilty of a misdemeanor, and, upon conviction, shall be fined not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), for each offense. All such companies or associations shall be taxable by and within the State of Alabama as follows:—On or before the 1st day of March of each year, they shall report to the Superintendent of Insurance the amount of gross receipts from within the State for the preceding calendar year ending December 31st, and shall pay to the Superintendent of Insurance a tax of One Dollar for each One Hundred Dollars of gross receipts within this State for the preceding calendar year. Any such company or association complying with all the provisions of this Act, and paying to the Superintendent of Insurance at the time of its organization, and on or before March the 1st

of each year thereafter, the sum of Two Hundred Dollars ($200.00), shall be granted license by the State of Alabama to transact business within this State during the current calendar year ending on December 31st.

Section 6.—Nothing herein shall be construed to apply to any secret or benevolent society, such as Masons, Odd Fellows, Knights & Ladies of Honor, Knights of Pythias, Love & Do Well Society or like orders, nor to any association organized upon the Lodge system for purely benevolent purposes, with ritualistic form of work.

Approved July 2, 1931.

No. 338.) (H. 747—Tidwell

AN ACT

To amend Section 126 of the Code of Alabama, 1923, regulating the bringing of children into the State for placement or adoption.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 126 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 126." "BRINGING CHILD INTO STATE; CONSENT OF DEPARTMENT NECESSARY."—"*No person or* agency shall bring or send any child into the state for the purpose of placing him out or procuring his adoption without first obtaining the consent of the State Child Welfare Department and *filing with it, for each child, a bond in the sum of one thousand* ($1,000.00) *dollars executed by some surety company authorized to do business in the State of Alabama, payable to the State of Alabama, conditioned upon the following*: (*a*) *that the said person or agency will not send or bring into the state any child who is incorrigible or unsound of mind or body;* (*b*) *that the said person or agency will remove the child from the state in case it becomes dependent, neglected or delinquent or becomes a public charge, or who, in the opinion of the State Child Welfare Department, becomes a menace to the community prior to his adoption or becoming of legal age;* (*c*) *that the child will be placed in conformity with the rules and regulations of the State Child Welfare Department;* (d) that the person with whom the child is placed shall be responsible for his proper care and training; (e) that the State Child Welfare Department shall have the right of visitation and supervision of the child and the home in which he is placed *until adoption or becoming eighteen years of age.* The person or agency bringing or sending the child into the State shall report once a year, or when the child is placed in another home, or at such times as the department may direct, as to the location and well-being of the child, so long as he shall remain within the State and until he shall have reached the age of eighteen years or shall have been legally adopted."

Section 1½. That any person or agency violating the terms of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars ($50.00) not more than five-hundred dollars ($500.00) and may also be sentenced to hard labor for not more than six (6) months.

Section 2. That all Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in force and effect on and after its approval.

Approved July 2, 1931.

No. 339.) (H. 748—Tidwell

AN ACT

To authorize county courts of commissioners or county boards of revenue to make appropriations for the relief of children under eighteen (18) years of age.

Be it Enacted by the Legislature of Alabama:

Section 1. That the county court of commissioners or the county board of revenue in any county shall have the power and is hereby authorized to appropriate out of the public funds of the county such sum or sums of money as it may deem wise to be expended by the county board of child welfare for the relief of children under eighteen (18) years of age. Disbursements shall be made upon itemized statements approved by the county child welfare superintendent or agent of the county child welfare board and the chairman of the county child welfare board. Provided, that this shall not be interpreted so as to limit the power of the judge of the juvenile court to make orders for the care of children adjudged dependent, neglected or delinquent.

Section 2. That all Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in force and effect on and after its approval.

Approved July 2, 1931.

No. 340.) (H. 833—Kelly of Talladega

AN ACT

To exempt disabled Veterans of the World War and of the Spanish-American War and of the Civil War from the payment of business or occupational licenses in the State of Alabama, and to regulate and restrict such exemptions, and to provide the manner in which such exemptions shall be allowed.

Be it Enacted by the Legislature of Alabama:

Section 1. That every bona fide permanent resident elector of the State of Alabama who served as an officer or enlisted man in

the United States Army, Navy or Marine Corps during the World War between April 6, 1917 and November 11, 1918, or in the Spanish-American War between April 21, 1896 and July 4, 1902, or who served as an officer or enlisted man in the Army or Navy of the Southern Confederacy during the Civil War, and who, at the time of his application for license, as hereinafter provided for, shall be physically disabled to the extent of ten per cent or more, shall, upon sufficient identification and upon sufficient proof of such disability and upon sufficient proof of being a permanent resident elector in this State, and upon the production of an honorable discharge from the service of the United States Army, Navy or Marine Corps during the World War or Spanish-American War, within the respective limits of time hereinabove prescribed, or from the service of the Southern Confederacy during the Civil War, be exempt from business or occupational license taxes to the extent, and subject to the conditions hereinafter specified.

Section 2. That each such veteran who shall engage in, or carry on, any business or occupation as a means of livelihood through the personal efforts of such person or through the personal efforts of such person and not more than one employee, helper or apprentice, for which business or occupation a license tax is prescribed by the State of Alabama, shall be entitled to a license from the State to so engage in, or carry on, such business or occupation upon payment of the license tax so prescribed, less all, or such portion of, such license tax as shall not exceed twenty-five dollars ($25.00); provided, however, that no such person shall be entitled to the prescribed deduction or commutation in respect of more than one business or occupation for which a license tax is prescribed by law.

Section 3. That each such person who shall engage in, or carry on, any business or occupation as a means of livelihood through the personal efforts of such person or through the personal efforts of such person and not more than one employee, helper or apprentice, for which business or occupation a license tax is prescribed by or for any County of Alabama, shall be entitled to a license from such County to so engage in, or carry on, such business or occupation upon payment of the license tax so prescribed, less all, or such portion of, such license tax as shall not exceed twenty-five dollars ($25.00); provided, however, that no such person shall be entitled to the prescribed deduction or commutation in respect of more than one business or occupation for which a license tax is prescribed by law.

Section 4. That each such person who shall engage in, or carry on, in his own name, any business or occupation as a means of livelihood through the personal efforts of such person or through the personal efforts of such person and not more than one employee, helper or apprentice, for which business or occupation a

license tax is prescribed by any Municipality of Alabama, shall be entitled to a license from such Municipality to so engage in, or carry on, such business or occupation upon payment of the license tax so prescribed, less, all, or such portion of, such license tax as shall not exceed twenty-five dollars ($25.00); provided, however, that no such person shall be entitled to the prescribed deduction or commutation in respect of more than one business or occupation for which a license tax is prescribed by law.

Section 5. Any person who assists or serves such veteran in the conduct, or carrying on, of such veteran's business or occupation shall be deemed an employee, helper or apprentice, whether such assisting person be paid any compensation for his assistance or service or not. The term "license tax", as used in this Act, shall be deemed to include any tax prescribed by a license tax schedule, but not to exclude any license tax otherwise prescribed.

Section 6. It shall be the duty of each and every official empowered or charged by law with the duty of issuing licenses in this State to issue a license to every such person as may come within the provisions of this Act, and such license, when issued, shall be marked across the face thereof "War Veteran's License—Not Transferable."

Section 7. All licenses issued under this Act shall be in the same general form as other licenses and shall expire at the same time as other licenses are fixed by law to expire.

Section 8. Proof of disability shall be made by exhibiting a Federal Government rated disability certificate to an extent of ten per cent or more, or an affidavit from an examining physician of the United States Veteran's Bureau showing that the applicant for license is physically disabled to the extent of at least ten per cent, or by the production of a pension certificate issued by the United States Government or by the State of Alabama.

Section 9. No exemption or commutation herein provided for shall be allowed any corporation, association or partnership, except as to partnerships, the prescribed exemption or commutation shall be allowed a partnership when each partner thereof would be individually entitled to an exemption hereunder: "Provided that an individual entitled to such exemption shall not be denied it by reason of being a member of a partnership in those cases when license is required of the individual members of a partnership and not of the partnership as such.

Section 10. Any license issued under the provisions of this Act shall be and/or become null and void and shall afford no protection against a prosecution for doing business without license if the same be fraudulently obtained, or if the business conducted thereunder be not bona fide the business of the veteran licensee, or if the veteran shall at any time conduct his business in such

manner as that he would not be entitled to exemption under the terms of this Act.

Section 11. No license herein provided for shall be issued in any county other than the county wherein the disabled veteran is a bona fide resident elector; provided, however, that should a disabled veteran holding a veteran's license desire to engage in a business or occupation in a county in this State other than the county in which he has procured such veteran's license, he shall produce the license issued to him in the county of his residence to the Probate Judge of the County where he desires to do business, and such Probate Judge shall countersign the same without charge or fee, and it shall thereafter be as valid as though issued by the Probate Judge of the county of his residence.

Section 12. Any Probate Judge, City Clerk, or City Comptroller, who wilfully fails or refuses to issue any licenses applied for by a veteran entitled to the benefits of this Act shall be guilty of a misdemeanor and shall be prosecuted as provided by law.

Section 13. If any section or provision, phrase or sentence of this Act shall be held void or unconstitutional such holding shall not affect or destroy the validity or constitutionality of any other section, provision phrase or sentence of such Act which is not of itself unconstitutional or void.

Section 14. The Act of the Legislature approved March 9, 1931, entitled "An Act to exempt Disabled Veterans of the World War and Spanish American War from the payment of occupational taxes in the State of Alabama and to provide the manner in which such exemption shall be allowed," together with all other laws or parts of law in conflict with the provisions of this Act, are hereby repealed.

Section 15. This Act shall take effect upon its approval by the Governor.

Approved July 2, 1931.

No. 342) (S. 409—Craft

AN ACT

To provide for and submit to the qualified electors of this State an amendment to the Constitution of Alabama authorizing the governing authorities of the City of Mobile at any time and from time to time to call an election and submit to the qualified voters of said city a proposal or proposals to increase the limit upon the aggregate amount of ad valorem taxes that may be levied by said city in any one tax year for all purposes, beyond one and one tenth (1.1) per centum of the value of property therein as assessed for State taxation during the preceding year, by thereafter levying and collecting and to thereafter levy and collect, an additional tax or taxes on the property situated therein at not exceeding such rate as may be submitted in such proposal; and authorizing said city,

after securing the approval thereof by a majority of the qualified electors of such city voting at any such election to thereafter annually levy and collect for the purpose or purposes specified in said proposal, an additional tax or taxes on the property situated therein at not exceeding such rate as shall have been approved at such election, and prescribing a limit upon the amount of ad valorem taxes that may be levied and collected by said city for all purposes, and ordering an election by the qualified voters of the State upon such proposed amendment, and fixing the time for holding such election.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama is hereby proposed, viz: "The governing authorities of the City of Mobile are hereby authorized at any time, and from time to time, to call an election and submit to the qualified voters of said City, a proposal or proposals to increase the limit upon the aggregate amount of ad valorem taxes that may be levied by said City in any one tax year for all purposes, beyond one and one-tenth (1.1) per centum of the value of the property therein as assessed for State taxation during the preceding year, by thereafter levying and collecting, and to thereafter annually levy and collect an additional tax or taxes on the property situated therein, at not exceeding such rate as may be submitted in such proposal; and, after securing the approval thereof by a majority of the qualified electors of such City voting at any such election, said City may thereafter annually levy and collect, for the purpose or purposes specified in said proposal, an additional tax or taxes on the property situated therein, at not exceeding such rate as may or shall have been approved at such election as aforesaid; provided that the total of the ad valorem taxes which may be levied in any one tax year by said municipality for all purposes (including the tax levied to pay the debt existing on the 6th day of December, 1875, with interest thereon, or any renewal of such debt) shall not exceed in the aggregate one and one-half (1½) per centum of the value of such property as assessed for State taxation during the preceding year. "Each election held under the provision hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to Municipal Corporations for elections to authorize the issuance of Municipal bonds."

Section 2. It is hereby ordered and directed that an election by the qualified electors of this State upon the amendment proposed in Section 1 of this Act shall be held at the general election next succeeding the present session of this Legislature.

Section 3. Notice of the election hereby ordered, together with the amendment proposed in Section 1 hereof, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in each county in the state, for at least eight successive weeks next preceding the day hereby appointed for said election.

Section 4. The expense of the election herein provided for, and the cost of the publication of the notices, shall be paid out of the State Treasury, in the same manner as the expenses of other elections are paid.

Passed the Senate June 23, 1931.

Passed the House of Representatives June 30, 1931.

No. 343) (S. 460—Craft.

AN ACT

To abolish the office of General Guardian ad Litem in all counties in this state having a population of not less than 100,000 nor more than 300,000 according to the last or any subsequent federal census, and to fix the time when this act shall go into effect.

Be it Enacted by the Legislature of Alabama:

Section 1. The office of General Guardian Ad Litem in all counties in this state having a population of not less than 100,000 nor more than 300,000 according to the last or any subsequent federal census, is hereby abolished.

Section 2. All laws and parts of laws in conflict with this act or any part hereof is hereby expressly repealed.

Section 3. This act shall become effective October 1st, 1931.

Became a Law under Section 125 of the Constitution.

No. 347) (H. 758—Barber.

AN ACT

To provide for the establishment of a base of operations and training for the air service of the Alabama National Guard, including the provision of land for such base and the improvement of such land with buildings, structures and otherwise, and including also the equipping of such buildings and structures; to create a Commission for the accomplishment of the aforestated purpose; to define and prescribe the duties, powers, privileges, immunities and responsibilities of such Commission; and to make an appropriation for the effectuation of the purposes of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. A Commission is hereby created to be known as "Alabama Air Service Building Commission," which Commission shall be composed of five resident citizens of the State of Alabama, as follows: John C. Persons, Commanding General of the Alabama National Guard; Hartley A. Moon, Adjutant General of the State of Alabama; L. G. Smith, State Highway Director of the State of Alabama; A. J. Hawkins, City Engineer of the City of Birmingham.

Alabama; and Henry Upson Sims, former President of the American Bar Association, of the City of Birmingham, Alabama, and the said persons are hereby appointed Commissioners and made members of said Commission, and they and their successors shall constitute said Commission, with the rights, powers, duties and privileges herein conferred and prescribed, and shall exist until legally abolished.

Section 2. A majority of the members of said Commission shall constitute a quorum for the transaction of business. The said Commission shall select one member as President thereof and such officers, members or non-members of the Commission, as they see fit, and they may pass such rules, regulations and by-laws for the government of the Commission as they see fit. The Commission may organize at any time after this Act shall have become a law.

Section 3. Any vacancy which may occur on said Commission by reason of death, resignation or failure of any Commissioner to act, or from any other cause, shall be filled by the remaining Commissioners, or a majority of the remaining Commissioners, as often as any such vacancy occurs by selecting a resident of said State as Commissioner.

Section 4. Said Commission shall act and be held to act for the State of Alabama, and no member thereof shall be held personally liable for any act of said Commission, or for any act done by him as Commissioner, while acting in pursuance of the authority herein conferred, or while acting in pursuance of the directions of said Commission in pursuance of the authority herein conferred.

Section 5. All contracts made by said Commission shall be in the name of the State of Alabama by said Commission, and all transactions of said Commission under the authority herein conferred shall be in the name of the State by said Commission. Title to any property acquired under the authority herein conferred shall be taken for and in the name of said State. Said Commission shall not contract any indebtedness upon the faith of the State in excess of the agrgegate amount herein appropriated by the Legislature of Alabama for the consummation of the purposes of this Act.

Section 6. Said Commission shall have power and authority to select, and to acquire in the manner hereinafter authorized, a tract of land not to exceed fifteen acres for the establishment of a base of operations and training for the air service of the Alabama National Guard. Such tract of land shall be acquired for and in the name of the State of Alabama. If the same be acquired from any county or municipality of the State, the Commission shall be authorized to take for and in the name of the State an estate therein to endure so long as said tract shall be used exclusively for aviation purposes, or such greater estate as such county or municipality may be willing to grant. If such tract be acquired otherwise than from

a county or municipality, the Commission shall take for and in the name of the State a clear fee simple title.

Section 7. Said Commission shall be and it is hereby authorized and empowered to construct, or cause to be constructed, and equipped, upon said tract of land, a hangar, administration building and such other buildings and housing facilities as such Commission may deem necessary or convenient for the use and instruction of the air service of the Alabama National Guard and for the storage, care, preservation and operation of the equipment of such air service. Said Commission shall also have power and authority to improve said tract of land with all improvements and facilities, in addition to said buildings, as it may deem necessary or expedient for the convenient use of said air service.

Section 8. Said Commission shall have the power and authority to employ such experts, architects and engineers and such labor and professional skill of all kinds as it may deem necessary to accomplish the work and exercise the powers and rights herein conferred, and may make such contracts and agreements as it may deem necessary to accomplish the work and exercise the powers and rights herein conferred, and may do any or all of the work necessary in the provision and equipment of said buildings, and the improvement of said tract of land, employing such laborers and employees and buying such material as may be deemed necessary, or may let any or all of the work by contract or contracts, as the Commission may see fit, to the lowest and best responsible bidder or bidders, and with a view always to keeping the cost within the limits of such funds as may be available for use by said Commission.

Section 9. The Commission shall not have power or authority to use any money appropriated by this Act for the acquisition of the aforesaid tract of land or any estate therein, but said land or any estate therein, shall be acquired by gift or shall be purchased with funds donated to the Commission for that purpose. The Commission, however, shall have power to use monies appropriated by this Act for the improvement of said tract and for the accomplishment of the work and the exercise of all powers and rights herein conferred, other than the acquisition of said tract of land.

Section 10. Before selecting any site, and before commencing the construction of any buildings or the letting of any contract, the Commission shall seek and obtain the views of the Militia Bureau of the War Department of the United States Government with respect to site and with respect to plans and specifications for said buildings and with respect to requirements of said Militia Bureau as to housing facilities of Federally owned property committed to the care of said air service, and, within the limit of funds available, shall conform as nearly as it deems practicable with the views of said Militia Bureau. The provisions of this section, however, are expressly declared to be directory merely.

Section 11. All work let to a contractor or contractors shall be let to the lowest and best responsible bidder, after bids are advertised for in such newspaper or newspapers, and for such length of time as the Commission may see fit. The Commission may reject any and all bids, and the Commission shall have the exclusive right to determine who is the lowest and best responsible bidder. Said Commission shall file in the office of the Adjutant General of Alabama a statement of all bids received on each lot or parcel of work let, showing the amount of each bid and stating in the report which bid was accepted, and the Adjutant General shall cause each and all such reports to be safely kept in his office.

Section 12. All contractors where the amount to be paid under the contract exceeds one thousand dollars shall give bond with some guaranty company as surety, to be approved by the Commission or some authorized Committee appointed by the Commission, in an amount at least one-fourth of the bid, and so conditioned as the Commission may require to secure the faithful performance of the contract.

Section 13. Said Commission shall require the supervising engineer, architect or other person, upon whose estimates and acceptance payments are made to the contractor or contractors, execute a bond payable to said State, with some guaranty company to be approved by the Commission as surety, in a sum of not less than one-eighth of the contract let, upon which he accepts the work and gives the estimates, and so conditioned as to guarantee the honest and faithful discharge of his duties in giving estimates and accepting work.

Section 14. Any supervising engineer, architect or other person, upon whose estimates and acceptance payments are made to the contractor or contractors, who carelessly or intentionally accepts work which does not conform to the requirements of the plans and specifications, or who carelessly or intentionally gives estimates in excess of the amount for which they should be given, shall be liable in an amount three times in excess of the damage sustained by such action, which sum may be sued for and recovered by said Commission in the name of said State. And any contractor or subcontractor who receives payment for work done knowing that such work was not done in conformity to the plans and specifications, or who receives payment on estimates which he knows to be in excess of the amount the estimates should be for, shall be liable in an amount equal to three times the damage sustained by such action, which sum may be sued for and recovered by said Commission in the name of the said State.

Section 15. No member of said Commission, and no person who has been a member of said Commission within six months from the time of the making of the contract, shall be directly or indirectly pecuniarily interested in any contract, or in the profits of any con-

tract made by said Commission. And any and all contracts made in violation of this provision are declared to be void and against public policy, and no such contract shall be enforceable in any Court for the benefit of any person whatsoever. Any money paid to any person on such a contract as is declared void in this section may be sued for and be recovered for and in the name of said State by said Commission or the said Attorney General of Alabama, without abatement on account of the value of any work done or material furnished under the contract. But the prohibition herein contained shall not apply to loans or other business dealings by and between a contractor or other person employed in and about the construction of said buildings or furnishing material therefor and any bank with which a member of said Commission may be connected as an officer or stockholder.

Section 16. No member of said Commission, and no person who has been a member of said Commission within six months from the time of making the sale, shall be directly or indirectly pecuniarily interested in the sale of any material or supplies to said Commission, or any contractor or sub-contractor, to be used in or in the furtherance of the work of said Commission, and no suit can or shall be maintained in any Court by the seller, or any person or corporation claiming through the seller, for the purchase price or value of any material or supplies sold in violation of the provisions of this section. And said Commission or said Attorney General of Alabama may in the name of said State sue for and recover from the seller the amount of all money paid such seller for material and supplies sold in violation of the provisions of this section.

Section 17. Said Commission shall cause to be kept full and accurate minutes of the acts and proceedings of its meetings, and shall preserve all books, plans, contracts, maps, engineers and architects reports and other papers acquired during the construction of the work herein authorized. All such documents shall be filed with the Adjutant General of Alabama after the work herein provided for is completed.

Section 18. The expense of all construction work done by said Commission and all costs and expenses in any way connected therewith and all cost and expense incident to doing anything by the Commission authorized to be done by this Act shall be paid out of money donated to said Commission for the purposes of this Act and/or money appropriated by the Legislature of Alabama for the purposes of this Act. Monies appropriated by the Legislature of Alabama for the purposes of this Act shall be paid out only on warrants drawn by the State Auditor upon the State Treasurer. It shall be the duty of the State Auditor to draw his warrants upon the State Treasurer upon requisition of the Commission, within the limits of the appropriation hereinafter made by the Legislature of Alabama for the purpose of this Act. Unless requisitions of the

Commission therefor be countersigned by the Governor, the State Auditor shall not draw warrants upon the State Treasurer in excess of One Dollar ($1.00) during the period between the approval of this Act and October 15, 1931; nor, unless requisitions be so countersigned, in excess of Twelve Thousand Five Hundred Dollars ($12,500.00) during the period between the approval of this Act and October 15, 1932; nor, unless requisitions be so countersigned, in excess of Seventy-Seven Thousand Two Hundred Fifty Dollars ($77,250.00) during the period between the approval of this Act and October 15, 1933.

Section 19. The Commission shall have power and authority to borrow money in anticipation of the amount of the appropriation made by this Act becoming available and to evidence loans so made by negotiable instruments and to pledge said appropriation, or any part thereof, as security for the payment of such negotiable instruments.

Section 20. No member of said Commission shall receive any compensation for his services.

Section 21. There is hereby appropriated out of any funds now and/or hereafter in the State Treasury the sum of One Hundred Forty Two Thousand Dollars ($142,000.00) for the use of said Commission in the effectuation of the purposes of this Act.

Section 22. This Act shall take effect upon its approval by the Governor.

Approved July 2, 1931.

No. 348.) (H. 928—Kelly of Conecuh

AN ACT

To provide for the immediate sale of strawberries levied on or seized under writs of detinue, attachment, or execution; to authorize sheriffs or constables to sell at public or private sale strawberries levied on or seized by him under writs of detinue, attachment or execution; and to provide how the proceeds of such sale shall be held and disposed of.

Be it Enacted by the Legislature of Alabama:

Section 1.—That when strawberries are levied on or seized under any writ of detinue, writ of attachment, or writ of execution, the sheriff or constable making the levy or seizure shall, unless a replevy bond or forthcoming bond is immediately executed by the defendant, proceed forthwith to sell the strawberries so levied on or seized either at public or private sale as he may deem best, and the proceeds of such sale shall be by such officer paid in to the court out of which said writ was issued and shall be held by such court pending the final disposition of the cause.

Approved July 2, 1931.

No. 349.) (H. 929—Kelly of Conecuh

AN ACT

To provide for the execution of mortgages conveying the legal title to strawberry crops; to provide how and when the same may be executed; to declare null and void mortgages on strawberry crops and contracts to execute such mortgages when not executed as provided by this act.

Be it Enacted by the Legislature of Alabama:

Section 1.—That a mortgage of a strawberry crop or strawberry crops, executed on or after the 1st day of June of the year preceding the year in which such strawberry crop or strawberry crops is or are to be harvested, conveys the legal title to the strawberry crop or strawberry crops so grown or harvested during the period from the 1st day of June of the year preceding the year in which such strawberry crop or strawberry crops is or are to be harvested to the 1st day of June of the year in which such strawberry crop or strawberry crops is or are harvested; and all mortgages of a strawberry crop or strawberry crops, executed prior to the 1st day of June of the year preceding the year in which such strawberry crop or strawberry crops is or are to be harvested, and all contracts to execute such mortgage or mortgages made prior to the 1st day of June of the year preceding the year in which such strawberry crop or strawberry crops is or are to be harvested, shall be absolutely null and void.

Approved July 2, 1931.

No. 350) (H. 44—Holland

AN ACT

To Amend Sections 372 and 373 of The Alabama School Code of 1927.

Be it Enacted by the Legislature of Alabama:

That Section 372 of the School Code of Alabama, 1927, be amended to read as follows:

Section 372. APPLICATION FOR RURAL SCHOOL HOUSE. The County Board of Education, where it is proposed to erect a school building or teachers' home according to plans furnished by the State Department of Education or to repair or to equip a school building according to plans approved by the State Department of Education may make application to the State Board of Education for aid subject to the following conditions: The application shall show that at least equal to the amount for which aid is asked has already been secured from other sources than the State, and shall also contain a description of the plot of land upon which the public school building for which aid is sought is located or is

to be erected. Nothing in this article shall prevent the granting of aid for the erection, repair and equipment of rural school buildings on property already owned by the State. County High Schools shall be eligible for aid for repairs and equipment under the provisions of this article.

BE IT FURTHER ENACTED BY THE LEGISLATURE OF ALABAMA: That Section 373 of the School Code of Alabama, 1927, be amended to read as follows: Section 373. AMOUNT OF AID FOR CLASS ROOM. The maximum amount for which application is made for the erection of school buildings and teachers' homes shall not exceed four hundred ($400.00) dollars per room provided that for standard class rooms nine hundred ($900.00) dollars may be given for each standard class room. In making additions to buildings the sum of nine hundred ($900.00) dollars will be granted for each standard class room erected.

Approved July 6, 1931.

No. 351) (H. 167—Jones

AN ACT

To Amend Section 6095 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6095 of the Code of 1923, be amended so as to read as follows: 6095 AGREED CASE. The parties in any suit or proceeding whatever, in any circuit, county or probate court, may make an agreed case containing the facts at issue between them, and file the same in such court; and the said agreed facts, with the decision thereon may be certified to the Court of Appeals or Supreme Court by the Clerk of such Court, together with all the pleadings, given and refused charges in said case; and upon such agreed case being so certified and filed in the Court of Appeals or Supreme Court, the appellant or plaintiff in error may assign errors, and the case shall then be proceeded with in the same manner as it might have been had a bill of exceptions been filed and certified to said Court of Appeals or Supreme Court.

Approved July 6, 1931.

No. 352) (H. 461—Tucker

AN ACT

To amend Section 12½ of an Act approved August 27, 1927, entitled "An Act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12, and add Section 12½ thereto, of an Act entitled 'An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violations of any of the provisions of this act.'"

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 12½ of the above mentioned act shall be made to read as follows: each freight agent of the Railroad Companies, Steamship Companies, Steamboat Companies, Tugboat, Barge Line, or other transportation companies, now operating or which may hereafter operate in the State of Alabama shall report to the State Tax Commission on or before the 20th day of each month all shipments of gasoline and lubricating oils or substitutes therefor received at said railroad stations, docks, river landings, or other points of delivery to consignee, during the preceding month, giving the name and address of the consignor and consignee, shipping and receiving said gasoline or lubricating oils or substitutes therefor and the number of gallons or pounds contained in each and every shipment.

Section 2. This act shall take effect August 1, 1931. All laws and parts of laws in conflict herewith are hereby repealed.

Approved July 3, 1931.

No. 353) (H. 545—Swift

AN ACT

To amend Section 8808 of the Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 8808 of the Code of 1923 be and the same hereby is amended so that said Section shall read as follows: "8808. In any case in which a tenant of farm lands shall fail or refuse, without just cause or excuse, to prepare the land and plant his crops, or a substantial portion of such crops to be grown as are usually planted by that time, on or before March twentieth, he may, at the election of the landlord, be required to surrender and vacate the rented premises, and upon making such election, and upon notice thereof to the tenant, the landlord may proceed to recover possession of the rented premises by an action of unlawful detainer."

Approved July 6, 1931.

No. 354) (H. 581—Green

AN ACT

To propose an Amendment to the Constitution of Alabama to be known as "Article XXI", authorizing and providing for the assessment, levying, and collection, of a tax upon inheritance and for the levying of estate taxes in the State of Alabama, and annulling Section 219 of the Constitution of Alabama of 1901.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the time hereby appointed for such election is the second Tuesday in November, 1931, such day being more than three months after the final adjournment of this session of the Legislature at which this amendment is proposed. The proposed Amendment is as follows: "Article XXI. Section 219 of the present Constitution is hereby annulled and set aside and hereafter the Legislature of Alabama may provide for the assessment, levy and collection of a tax upon inheritances and for the levying of estate taxes not to exceed in the aggregate the amounts which may by any law of the United States be allowed to be credited against or deducted from any similar tax upon inheritances or taxes on estates assessed or levied by the United States on the same subject. The Legislature shall have the power to levy such inheritance or estate taxes in the State of Alabama only so long as and during the time an inheritance or estate tax is enforced by the United States against Alabama inheritances or estate, and shall only be exercised or enforced to the extent of absorbing the amount of any deduction or credit which may be permitted by the laws of the United States now existing or hereafter enacted to be claimed by reason thereof as deduction or credit against such similar tax of the United States applicable to Alabama inheritances or estates."

Section 2. Notice of the election hereby ordered, together with the Amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper once a week in every county in the State for at least eight (8) successive weeks next preceding the day hereby appointed for such election.

Section 3. In the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama? Article XXI. Section 219 of the present Constitution is hereby annulled and set aside and hereafter the Legislature of Alabama may provide for the assessment, levy and collection of a tax upon inheritances and for the levying of estate taxes not to exceed in the aggregate the

amounts which may by any law of the United States be allowed to be credited against or deducted from any similar tax upon inheritances or taxes on estates assessed or levied by the United States on the same subject. The Legislature shall have the power to levy such inheritance or estate taxes in the State of Alabama only so long as and during the time an inheritance or estate tax is enforced by the United States against Alabama inheritances or estates, and shall only be exercised or enforced to the extent of absorbing the amount of any deduction or credit which may be permitted by the laws of the United States now existing or hereafter enacted to be claimed by reason thereof as deduction or credit against such similar tax of the United States applicable to Alabama inheritances or estates." (Yes.....) (No).

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the Election Laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law covering General Elections and the Constitutional Provisions concerning Amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed Amendment voted in favor of the same, such Amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Passed the House of Representatives June 18, 1931.

Passed the Senate June 30, 1931.

No. 356) (H. 729—West.

AN ACT

To amend Sections 3506 and 3507 of the Code of Alabama, 1923, regulating the issuance of certificates for the employment of children.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 3506 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3506." "APPLICATION FOR CERTIFICATES; HOW GRANTED."—"The person authorized to issue employment certificates shall not issue such certificates unless the child accompanied by his parent or guardian or person standing in parental

relation thereto, has personally made application to him therefor, and until he has received, examined, approved and filed the following papers duly executed: (1) A written statement of the person, firm, or corporation into whose service the child is about to enter that he intends to employ the child, which statement shall give the nature of the occupation for which the child is to be employed. (2) A school record signed by the principal or teacher of the school last attended by said child, stating such child has completed the fourth grade of the elementary course of study of the public school or its equivalent. On and after September 1, 1924, a school record showing the completion of the fifth grade or its equivalent shall be required, and on and after September 1, 1926, a school record showing the completion of the sixth grade or its equivalent shall be required. *On and After September* 1, 1932, *a school record showing the completion of the seventh grade or its equivalent shall be required, and on and after September* 1, 1934, *a school record showing the completion of the eighth grade or its equivalent shall be required.* The school record shall state the age and date of birth of the child as shown on the records of the school, and the name and address of the parent, guardian, or custodian. In case such school record cannot be obtained, then the officer authorized to issue employment certificates shall examine the child to determine whether he can meet the educational standard specified, and shall file in his office a statement setting forth the result of such examination. (3) One of the following evidences of age, showing the child to be 14 years of age or over, to be required in the order herein designated: (a) duly attested transcript of the birth record of said child, filed according to law with any officer charged with the duty of recording births; (b) or a duly attested transcript of certificate of baptism showing the date of birth and place of baptism of such child; (c) or a life insurance policy which must have been in force for at least one year; (d) or a bona fide contemporary Bible record of birth; (e) or a passport or certificate of arrival in the United States showing the age of the child; (f) or in case the officer authorized to issue such certificates is satisfied that none of the above proofs of age can be produced and the parent, guardian or custodian shall make affidavit that none of the above proofs of age can be produced by him, other evidence of age, as an affidavit of age sworn to by the parent, guardian, or custodian of such child, the officer authorized to issue employment certificates being empowered by this chapter to take such affidavits of age, accompanied by a certificate of physical age of such child, signed by a public health or public school physician may be accepted; but a school record, or parent's, guardian's, or custodian's affidavit, certificate, or other written statement of age alone shall not be accepted. (4) A statement duly signed and dated by a county health officer or a public school physician showing that he has personally examined the child, and that in his

opinion the child is fourteen years of age or over, is of good physical development for a child of his age, is of sound health, and is physically qualified to perform the work at which he is to be employed. Proof of physical age and physical fitness shall be based on uniform standards prescribed by the Alabama state board of health, and the blanks and forms to be used for such examinations shall be approved by the Alabama state board of health. In counties where there are neither county health officers, nor public school physicians, the examinations hereinbefore required shall be made by regularly licensed physicians authorized in writing by the chairman of the county board of health."

Section 2. That Section 3507 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 3507." "VACATION EMPLOYMENT CERTIFICATE; HOW ISSUED."—"The officer issuing employment certificates shall have the authority and is empowered to issue age certificates to children sixteen years of age or over, and vacation certificates to children fourteen years of age or over, and special employment certificates to boys twelve years of age or over to work in business offices, mercantile establishments, in and about dairies, or as caddies on golf links, during vacation when the public schools of the city or town in which the child resides are not in session, in the same manner and upon the same proofs of age as hereinbefore required for employment certificates, school records being waived. Age, vacation, and special employment certificates shall be different in form and color from the regular employment certificates. *The officer issuing employment certificates shall also have authority to issue Out of School Certificates to children fourteen* (14) *years of age or over to work before or after school and on Saturday in the same manner as hereinbefore provided for the issuance of employment certificates, except that the educational requirement shall be regular school attendance and school work satisfactory to the principal of the school attended by the child. The Out of School Certificate shall be different in form and color from any of the other certificates provided for, and shall not be valid for the employment of any child for more than four hours on any school day or twenty-eight hours during any school week. An Out of School Certificate shall be revoked or suspended either by the issuing officer or any person charged with the enforcement of laws regulating the employment of children in case the child's school record is not satisfactory to the principal of the school attended by the child.*"

Section 3. That all Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall be in force and effect on and after its approval.

Approved July 6, 1931.

No. 357.) (H. 730—West

AN ACT

To amend Section 7539 of the Code of Alabama, 1923, relating to compensation of minors whether legally or illegally employed.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 7539 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: "Section 7539." "MINORS WITHIN STATUTE."—"The provisions of this Act shall apply to employees who are minors and who have been employed in accordance with or contrary to laws regulating the employment of minors. If at the time of injury the minor was employed in violation or contrary to the law, regulating the employment or any part thereof, then the compensation shall be two times what it would be if the employment had been legal."

Section 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 3. This Act shall be in force and effect on and after its approval.

Approved July 6, 1931.

No. 358.) (H. 1000—Tidwell

AN ACT

To amend Sub-section 2-J of Section 2 of an Act entitled an Act in reference to and to further provide for the General Revenue of the State of Alabama, approved July 22, 1927.

Be it Enacted by the Legislature of Alabama:

That Sub-section 2-J of Section 2 of an Act entitled An Act in Reference to and to further provide for the General Revenue of the State of Alabama, approved July 22, 1927, be and the same hereby is amended to read as follows: 2-J. Every person, firm, company, corporation or association of persons, who sells cigars, cigarettes, cheroots, or any substitute therefor, within the State of Alabama, shall pay to the State for State purposes only, a license or privilege tax of an amount equal to fifteen percent (15%) of the wholesale sales price of such cigars, cigarettes, cheroots, or any substitute therefor sold within this State; provided that if any person, firm, corporation or association of persons shall include in any sale of goods, wares or merchandise, any cigars, cigarettes, cheroots, or any substitute therefor, enumerated herein, or shall give with the purchase of any goods, wares or merchandise any cigars, cigarettes, cheroots, or any substitute therefor enumerated

herein, there shall be paid as a license or privilege tax hereunder an amount equal to fifteen percent of the amount for which such goods, wares or merchandise is sold. (a) The payment of the tax as imposed by this section shall be based on the wholesale selling price of the articles enumerated herein, and only one sale made of the same article within the State shall be used in computing the amount of the tax due. (b) Where the wholesale price or selling price is referred to in this section as the basis for computing the amount of tax required to be paid on any of the articles named herein, it is intended to mean the wholesale selling price of the article before adding the amount of the tax. (c) The State Tax Commission of the State of Alabama shall administer the provisions of this section and shall enforce the payment of the tax imposed herein. (d) All payments of the taxes herein imposed shall be made to the State Tax Commission of Alabama at Montgomery, Alabama, with check or draft made payable to the State Treasurer of Alabama which payments shall be made on or before the tenth day of each month for the taxes due under the provisions of this section for selling or otherwise disposing of any cigars, cigarettes, cheroots, or any substitute therefor, during the next preceding month. Provided the wholesale dealer may make reports and payment of the tax quarterly instead of monthly. Provided however that the State Tax Commission may credit the final annual report of any wholesale dealer with the licenses paid on uncollectable sales made by said dealer and upon which the license was paid. (d-1) Every person, firm or corporation dealing at retail in cigars, cigarettes, cheroots or substitute therefor within the State of Alabama, shall within fifteen days after the receipt of such cigars, cigarettes, cheroots or substitute therefor, report in duplicate to the State Tax Commission upon forms furnished by the State Tax Commission the amount of such cigars, cigarettes, cheroots or substitutes therefor so received, the date of such receipt and from whom purchased or received. The State Tax Commission shall immediately stamp one copy and return same to the person, firm, or corporation so reporting. It shall be the duty of such person to retain the copy for a period of three years and furnish the same upon request to the agent of the State Tax Commission. It shall be unlawful for any person, firm, or corporation except licensed wholesalers to have in his possession any cigars, cigarettes, cheroots, or substitute therefor of a value greater than Ten ($10.00) Dollars more than thirty days after the receipt of the same without having made the report and without having on file the stamped duplicate received from the State Tax Commission. Any cigars, cigarettes, cheroots or substitute therefor, of a value of ten ($10.00) dollars, or more found in the possession of any person, firm or corporation except licensed wholesalers without the receipt of the State Tax Commission as hereinbefore provided are hereby declared to be held un-

lawfully and to be contraband goods and the same may be seized by the Tax Commissioner of the State of Alabama or his agent or representative and/or by any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the Tax Commissioner for sale at public auction to the highest bidder after due advertisement, but the State Tax Commissioner regardless of such seizure shall require the purchaser or the person in possession to pay the proper amount of tax due thereon as herein defined and set out. The proceeds of the sale of any cigars, cigarettes, cheroots or substitute therefor, sold hereunder shall be turned over to the State Treasurer by the State Tax Commissioner as other funds collected under this Act, provided that the cost of confiscation and sale shall be paid out of funds derived from such sale before making remittance to the State Treasurer. Provided further that any cigars, cigarettes, cheroots or substitute therefor, of a value in excess of Ten ($10.00) Dollars found in any other place than that of regularly licensed cigar or cigarette dealers, shall and are hereby declared to be contraband goods and may be seized in the manner herein provided. Provided further that any container or vehicle except common carriers, and except vehicles employed in the service of licensed dealers or in interstate commerce, which may be used for the transportation of any taxable tobaccos as hereinabove enumerated shall likewise be subject to confiscation and sale in the manner herein provided. PROCEDURE WHEN GOODS ARE CONFISCATED: In all cases of seizure of any cigars, cigarettes, cheroots or any substitute therefor, or any property hereafter made as being subject to forfeiture under the provisions of this Act, which in the opinion of the officer or person making the seizure, are of the appraised value of twenty-five dollars, or more, the said officer or person shall proceed as follows: **First:** He shall cause a list containing a particular description of the cigars, cigarettes, cheroots or any substitute therefor, or any other property seized, to be prepared in duplicate and appraisement thereof to be made by three sworn appraisers, to be selected by him, who shall be responsible and disinterested citizens of the State of Alabama residing within the county wherein the seizure was made. Said list and appraisement shall be properly attested by said officer or person and said appraisers, for which service each of said appraisers shall be allowed the sum of One ($1.00) Dollar per day, not exceeding two days, to be paid by the Tax Commissioner of the State of Alabama out of any Revenue received by it from the sale of the confiscated cigars, cigarettes, cheroots or any substitute therefor, or any property, or a compromise which may be affected. **Second:** If the said cigars, cigarettes, cheroots, or any substitute therefor are believed by the officer making the seizure to be of less value than twenty-five ($25.00) Dollars, no appraisement shall be made. The said officer

or person shall give notice for ten days, in writing, by posting at three public places, in the county where seizure was made, describing the article and stating the time and place and cause of their seizure and requiring any person claiming them to appear and make said claim in writing within fifteen days from the date of such notice. **Third:** Any person claiming the said cigars, cigarettes, cheroots, or any substitute therefor, or any other property so seized as contraband within the time specified within the notice, may file with the State Tax Commissioner a claim in writing stating his interest in the article seized and shall execute a bond to the State Tax Commissioner in the penal sum equal to double the value of said cigars, cigarettes, cheroots or any substitute therefor, or any other property so seized. But in no case shall said bond be less than One Hundred ($100.00) Dollars, with sureties to be approved by the Clerk of the Circuit Court in the county in which the goods are seized, conditioned that in the case of condemnation of the articles so seized, the obligors shall pay to the Tax Commissioner of the State of Alabama the full value of the cigars, cigarettes, cheroots or any substitute therefor, or other property so seized, and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And upon the delivery of such bond to the Tax Commissioner of the State of Alabama, he shall transmit the same with the duplicate list of description of the cigars, cigarettes, cheroots or any substitute therefor, or other property seized, to the Solicitor of the Judicial Circuit in which said seizure was made and said Solicitor shall prosecute the case to secure the forfeiture of such cigars, cigarettes, cheroots or any substitute therefor, or other property, in the Court having jurisdiction. Upon the filing of the bond aforesaid, the said cigars, cigarettes, cheroots or any substitute therefor, or other property shall be delivered to the claimant pending the outcome of said case. **Fourth:** If no claim is interposed and no bond given within the time above specified, such cigars, cigarettes, cheroots or any substitute therefor, or other property, shall be forfeited without further proceedings and same shall be sold as herein provided. And the proceeds of sale when received by the Tax Commissioner of Alabama shall be turned in to the State Treasurer, as other revenues collected under this Act. TAX COMMISSIONER MAY COMPROMISE CONFISCATIONS: The Tax Commissioner of the State of Alabama may in his discretion return any cigars, cigarettes, cheroots or any substitute therefor or other property confiscated under this Act, or any part thereof, when it is shown that there was no intention to violate the provisions of this Act: Provided, When any cigars, cigarettes, cheroots or any substitute therefor, or other property, are confiscated under the provisions of this Act the Tax Commissioner of the State of Alabama may in his discretion return such

cigars, cigarettes, cheroots or any substitute therefor, or any property, to the parties from whom they were confiscated if, and when, such parties shall pay to the Tax Commissioner of the State of Alabama, or his duly authorized representative, an amount equal to fifteen percent of the wholesale sales price of taxable tobaccos as defined in this Act, together with twenty-five percent of said amount of tax due, assessed as penalty for having failed to pay said tax on the goods confiscated, and in such case no advertisement shall be made or notice posted with reference to said confiscation. PENALTIES: Any person caught in possession of, or transporting, contraband goods as defined in this Act, shall be guilty of a misdemeanor and on conviction shall be fined not exceeding Two Hundred and Fifty ($250.00) Dollars, and may also be sentenced to three months hard labor for the county in which such conviction is procured. AUTHORITY FOR MAKING ARRESTS: All agents or representatives of the State Tax Commissioner are hereby clothed with power and authority to make arrests of any person or persons found in possession of, or transporting, contraband goods, as defined in this Act, and deliver such person or persons so arrested to the Sheriff of the county in which such arrests are made. (e) All persons, firms, corporations or association of persons who shall sell or otherwise dispose of cigars, cigarettes, cheroots, or any substitute therefor, shall keep and preserve for three years all invoices of cigars, cigarettes, cheroots, or any substitute therefor, bought by them and shall permit the State Tax Commission or its authorized agent or representative to inspect and examine all taxable merchandise, invoices, books, papers, and memoranda as may be deemed necessary by the State Tax Commission or its authorized agent or representative in ascertaining whether the tax levied herein has been paid, or to determine the amount of such tax as may be due. All such persons, firms, or corporations selling or otherwise disposing of cigars, cigarettes, cheroots, or any substitute therefor as enumerated herein at wholesale shall keep a record of all sales made within this State, showing the name of the purchaser, the date of sale and the address of the purchaser. Any person, firm, or corporation or association of persons required to pay taxes levied herein, who fails to make and preserve said invoices for a period of three years, or refuses to permit the inspection and examination of taxable merchandise, invoices, books, papers and memoranda at the request of the State Tax Commission or its duly authorized agent or representative shall be deemed a violator of the provisions of this section and shall be fined or imprisoned, as set out in subsection (f) of this section. (f) Any such person, firm or corporation, or association of persons, as defined in this section, who shall fail or refuse to permit the State Tax Commission or its duly authorized agent or representative to examine and inspect the taxable stocks

of merchandise, invoices, books, papers and memoranda deemed necessary to secure the information directly concerned in the enforcement of this section, shall suffer a penalty of twenty dollars ($20.00) for the first offense; fifty ($50.00) for the second offense; one hundred dollars ($100.00) for each offense thereafter; the said penalties to be collected by civil process as hereinafter provided. Any person who refuses to make the tax return hereinafter provided for, or who makes any false or fraudulent return or statement in any return, with the intent to defraud the State or to evade the payment of the tax, or any part thereof imposed by this section, or if the president or any other officer of any corporation or company makes or permits to be made for any corporation or association any false return or any false statement in any return required in this section, with the intent to evade the payment of any tax hereunder, shall be deemed a violator of this section and shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than one thousand dollars ($1,000) or imprisoned not exceeding one year in the county jail, or punished by both fine and imprisonment, at the discretion of the court, within the limitations aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent return, or any return containing any false or fraudulent statement, with the intent to defraud the State, or to evade the payment of the tax imposed herein, shall be guilty of perjury and on conviction thereof shall be punished in the manner provided by law. Any company for which a false return or a return containing a false statement as aforesaid shall be made, shall be guilty of a misdemeanor and may be punished by a fine of not more than one thousand dollars ($1,000). The Circuit and Criminal Courts of the county in which the offender resides, or if a corporation, in which it carries on business shall have concurrent jurisdiction to enforce this section. In addition to the penalties herein provided the license inspector of the county wherein the delinquent dealer does business shall be entitled to receive the same fees to be paid in the same manner as is provided by law for other delinquent licenses. (g) The State Tax Commission shall prescribe and have printed blank forms to be known as "cigars, cigarettes, cheroots, or any substitute therefor return." Such forms shall be prepared with a view of obtaining from persons engaged in selling or otherwise disposing of cigars, cigarettes, cheroots, or any substitute therefor, such information as may by the State Tax Commission be deemed necessary for the collection of the taxes imposed herein. The distribution of the tax return blanks shall be made through such agencies as may be deemed most expedient by the State Tax Commission. (h) Every person, firm, corporation or association of persons who sells or deals in cigars, cigarettes, cheroots, or any

substitute therefor as defined herein, within the State of Alabama, or who gives away or includes any such cigars, cigarettes, cheroots, or any substitute therefor in the sale of any goods, wares or merchandise for the purpose of evading, or with the intent to evade the payment of the tax imposed by this section, shall, when such cigars, cigarettes, cheroots, or any substitute therefor, are sold to retail merchants, or other persons for resale within the State of Alabama, make and deliver to the persons to whom any such cigars, cigarettes, cheroots, or any substitute therefor, are sold or delivered, an invoice or bill showing the price for which such articles are sold and shall also enter on said invoice or bill the amount of tax required to be paid to the State of Alabama under provisions of the section, and if the tax has been paid, it shall be so stated or entered on such invoice bill, or if the person making the sale or delivery of any cigars, cigarettes, cheroots, or any substitute therefor herein defined, elects to assume the payment to the State of the tax required by this section, it shall be so certified to on such invoice or bill. It shall be a violation of this section to enter on any invoice or bill any false statement, made with the intent to evade the payment to the State of the tax imposed under this section. Any person making such false statement or entry on any invoice or bill of cigars, cigarettes, cheroots, or any substitute therefor, shall be guilty of a misdemeanor, and on conviction therefor, shall be punished by fine or imprisonment, or both, as set out in subsection (f) of this section. (i) Persons, firms, corporations or associations of persons, who sell or deal in cigars, cigarettes, cheroots, or any substitute therefor within this State, shall be required to make out and file with the State Tax Commission a report covering the sales of any cigars, cigarettes, cheroots, or any substitute therefor defined herein, that have been purchased or obtained from any dealer in such article, whose place of business is located within the State of Alabama, when entry or statement has been made on the invoice or bill for such articles that the tax herein imposed has been paid, or that such tax is assumed by the person or dealer whose business is located in the State of Alabama. Provided that any person, firm, corporation or association of persons whose place of business is located outside the State of Alabama and from which place of business any cigars, cigarettes, cheroots, or any substitute therefor are shipped to purchasers within this State, may file with the State Tax Commission of Alabama a bond in the sum of ten thousand dollars ($10,000) to secure to the State the payment of the tax imposed by this section and which tax is assumed by said person, firm, corporation or association of persons located outside of the State. Persons, firms, corporations or associations of persons, who ship cigars, cigarettes, cheroots, or any substitute therefor, from places outside the State to points within the State, shall, if they elect to assume the taxes

imposed herein, comply with all provisions of this section. A report of sales included in any invoices or bills which have entered thereon a certificate of payment or assumption of the tax imposed by this section by such persons, firms, corporations, or associations of persons located outside the State shall not be required. It is expressly provided hereby that the tax imposed herein shall not apply to interstate commerce, but shall apply to business done wholly within the State of Alabama. (j) The State Tax Commission shall have the power, and it shall be its duty to require any person, firm, corporation, or association of persons engaged in the sale of cigars, cigarettes, cheroots, or any substitute therefor, as described herein, to furnish any information by it deemed necessary for the purpose of enforcing the payment of this tax. The State Tax Commission or its duly authorized agent or representative shall have power to enter upon the premises of any taxpayer required to pay taxes under the provisions of this section, and it shall be its duty to examine or cause to be examined any taxable stocks of merchandise, invoices, books, papers, or memoranda bearing upon the amount of taxes payable, and to secure other information directly concerned in the enforcement of this section. It shall have power to examine witnesses and administer oath thereto, and should such witnesses fail or refuse to appear and answer questions at the request of the State Tax Commission, and should any person, members of any firm, officers of corporation, or corporations, or members of associations of persons required to pay taxes hereunder, refuse to allow the State Tax Commission or its duly authorized agents to examine taxable stocks of merchandise, or invoices, books, papers or memoranda above referred to, the State Tax Commission shall certify the facts and the names of the witnesses so failing and refusing to appear, and the names of the persons, firms, or member or members thereof, corporations or officers or managers or employees thereof, and associations or persons or members thereof, who refuse access to the taxable stocks or merchandise, or invoices, books, papers and memoranda above referred to, to the Circuit Court having jurisdiction of the said party or parties and said court shall thereupon issue a summons to said witness, person, member or members of said firms, officer or manager or employee of such corporation or association of persons or member thereof, to appear before the State Tax Commission or its duly authorized agent, at a place designated within the jurisdiction of the said court on a day to be fixed, to be continued as occasion may require, and give such evidence and open for such stocks of taxable merchandise, invoices, books, papers and memoranda as may be required for the purpose of ascertaining whether or not the required tax has been paid, or the amount of such tax which may be due under the provisions of this section and whenever it shall appear to the State Tax Commission that

any such person, firm, corporation or association of persons engaged in selling or otherwise disposing of cigars, cigarettes, cheroots, or any substitute therefor, as described in this section, has failed to pay the taxes due, as provided herein, the State Tax Commission shall compute the correct amount of tax due and so certify same as being the amount actually due and owing, and shall state in what way this section is violated and shall concurrently notify such person, firm, corporation, or association of persons of such facts and in the event such person, firm, corporation or association of persons shall not, within five days after such notification, pay the amount of tax found to be due and owing, the State Tax Commission, shall, in the name of the State, enter suit against such person, firm, corporation or association of persons for the amount due and owing, together with such penalties as are provided in this section, or for the amount of such penalties alone. Such suit shall be by rule to show cause within five days why payment should not be made, and shall be tried by preference, and may be tried out of term time and in chambers. If the Court upon determining the issue upon said rule shall adjudge the defendant in said rule as being due and owing, the tax as alleged in said rule or any part thereof, or that the defendant has violated this section as alleged, in the same judgment the Court shall assess the penalty fixed in subsection (f) of this section, and the Court, at its discretion, may allow reasonable attorney's fees in said judgment. All such penalties as may be assessed in said judgments, together with such tax, shall be collected and deposited as a part of the tax. (k) The tax imposed by this section shall become delinquent five days after the same becomes due, as provided in sub-section (d) of this section. A penalty of twenty-five per cent of the amount of the tax herein imposed shall be added and collected as a part of the tax when said tax becomes delinquent. A penalty of five percent per month for each month shall be assessed, added and collected from persons, firms, corporations, or associations of persons for failure to make such reports as are required herein. The License or privilege tax imposed by this section, and all penalties provided herein, shall, after approval by the State Tax Commission, as to the amount due, have full force and effect of a judgment on which execution may be issued by the State Tax Commission, directed to any sheriff in the State of Alabama, or such taxes as may be collected by civil process, as provided by law for the collection of other taxes due the State. (l) It shall be the duty of the State Tax Commission to report in detail all violations hereunder to the Circuit Solicitor having jurisdiction over such offenses, as soon as practicable and without unnecessary delay. The conviction and sentence for the violation of the provisions of this section or sub-division thereof, as herein provided. shall in no

way interfere with the imposition and collection of the civil penalties provided in sub-section (f) of this section. (m) The cost of the inspection, auditing duties, and printing of blank forms required herein shall be paid out of the money collected under this section. (n) If any clause, sentence, paragraph or part of this section shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this section, but shall be confined in its operation to the clause, sentence, paragraph or any part thereof involved in the controversy in which said judgment has been rendered. No County shall levy a privilege or license tax on any business or occupation on which a privilege or license tax is levied in this section or any sub-division thereof.

Approved July 3, 1931.

No. 360) (S. 310—Goodwin

AN ACT

To repeal an Act entitled "An Act to require all county officers who receive or distribute county funds or moneys to make quarterly reports to the Court of County Commissioners, Boards of Revenue, or other governing body of the County," approved March 9, 1931.

Be it Enacted by the Legislature of Alabama:

Section 1. That an Act entited "An Act to require all county officers who receive or distribute county funds or moneys to make quarterly reports to the Court of County Commissioners, Boards of Revenue, or other governing body of the County," approved March 9, 1931, be and the same is hereby repealed.

Approved July 6, 1931.

No. 361) (S. 320—Craft.

AN ACT

To amend an Act entitled "An Act for the protection of salt water shrimp, to provide the manner in which said crustaceans may be caught, taken and marketed, to fix the season during which they may be caught, to authorize the issuance of licenses to persons seining for salt water shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama, and to provide penalties for the violation of the provisions of this Act." "Approved September 2, 1919."

Be it Enacted by the Legislature of Alabama:

That an Act entitled "An Act for the protection of salt water shrimp, to provide the manner in which said crustaceans may be caught, taken and marketed, to fix the season during which they may be caught, to authorize the issuance of licenses to persons sein-

ing for salt water shrimp, to provide tax on all salt water shrimp taken in the waters within the State of Alabama, and to provide penalties for the violation of the provisions of this Act," Approved September 2nd, 1919, be and the same is hereby amended so as to read as follows:

Section 1. That all salt water shrimp found in any of the waters of this State be and the same are hereby declared to be the property of the State for the purpose of protecting the same and regulating the manner in which they shall be taken and marketed.

Section 2. That no person within the State of Alabama shall catch or have in possession, living or dead, any salt water shrimp, or part thereof, or purchase, or sell, or offer for sale any salt water shrimp, or part thereof, after the same has been caught, except as permitted by the provisions of this Act.

Section 3. That it shall be unlawful for any person, firm or corporation to catch or attempt to catch any salt water shrimp during the months of from May 15th to July 31st, except with a cast net.

Section 4. That it shall be unlawful for any person, firm or corporation to catch or attempt to catch any salt water shrimp by the use of seines or other devices except cast nets for the purpose of catching salt water shrimp unless an annual license fee due and payable on the first of August in each and every year at the rate herein provided be paid, and the annual license shall be at all times in the possession of the party or parties operating same for the purpose of taking salt water shrimp, such licenses to be issued by the Oyster Commission and the proceeds there of to be placed to the credit of the Oyster Fund. The following license tax shall be paid by persons operating seines or trawls issued for the purpose of taking or catching salt water shrimp, to-wit: On all seines or trawls up to thirty feet $7.50, from thirty to three hundred feet $15.00, and from three hundred feet to nine hundred feet $22.50, and over nine hundred feet $37.50.

Section 5. That it shall be unlawful to take, catch or market any shrimp which do not measure forty to the pound; all shrimp under that size must be returned forthwith to the waters from whence taken.

Section 6. That it shall be unlawful for any person to use any boat for the purpose of drawing a seine or trawl, used in catching shrimp, or hauling or carrying shrimp, without first having secured an annual license due and payable on the first day of September in each and every year, as follows: For each and every boat owned by a resident of this State, up to five ton capacity, shall be an annual license fee of $7.50; for every boat from five to fifteen ton capacity, shall be an annual license fee of $22.50; and all boats over fifteen ton capacity shall be an annual license fee of $37.50; that all boats owned by non-residents of this State, used for the purpose of catch-

ing or hauling shrimp, within the State, up to five ton capacity, shall be due and payable on the first day of September in each and every year, an annual license of $15.00; for every boat, owned by non-residents, used for the purpose of taking or hauling shrimp within the State, or from five to fifteen ton capacity, shall be paid an annual license fee of $30.00; and for every boat used by non-residents of this State for the purpose of taking or hauling shrimp within the State, of over fifteen ton capacity, shall be paid an annual license fee of $50.00. Said licenses shall be issued by the Oyster Commission and the funds so collected shall be placed to the credit of the Oyster Fund.

Section 7. That a standard measure for shrimp is hereby established which said measure shall consist of a tub or other round vessel seventeen inches in diameter inside at the bottom, twenty-one and one-half inches in diameter inside at the top and fourteen and one-half inches inside from bottom to top; two of these measures filled to the top shall make one barrel.

Section 8. That it shall be unlawful to catch or market salt water shrimp for commercial purposes, that is for canning, drying or shipping within the State, unless a tax of twelve cents per barrel be paid by the person, firm or corporation catching the same for the purpose of canning, drying or shipping, or purchasing the same from independent shrimp fishermen for the purpose of canning, drying or shipping and said tax to be paid but once.

Section 9. That it shall be unlawful for any person to sell, barter, exchange, give or deliver to any person, firm or corporation doing business in Alabama, any salt water shrimp after having been notified in writing by the Oyster Commission or its agent to the effect that such person, firm or corporation which the Oyster Commission shall name in its notice, has failed or refused to pay the tax on salt water shrimp, or to make the reports in writing required by law, or fail to comply with the other provisions of this Act, and in the event such salt water shrimp catcher, or master of a boat handling salt water shrimp sells, exchanges, barters, gives or delivers salt water shrimp to the person, firm or corporation named in the notice, as not having complied with the provisions of this Act, the Oyster Commission shall enter a cancellation of the license to take or catch salt water shrimp, or do business, against the person, or master of the boat, offending against this Section, which license shall not be re-issued except at the discretion of the Oyster Commission.

Section 10. That it shall be unlawful for any person, firm or corporation to take, carry or transport by water, any salt water shrimp, taken in the waters of Alabama, except canned shrimp to a point beyond the boundary line of said State unless the usual market price, paid by canneries and dealers, for shrimp in the fresh state, in the place to which they are so transported, is higher than

the price paid for same in this State; provided that every person, firm or corporation transporting salt water shrimp by water, taken within the State of Alabama, to a point outside of the State line, shall pay a tax of twenty cents per barrel upon such shrimp transported beyond the boundaries of said State, except canned shrimp, before said shrimp are permitted to leave the State.

Section 11. That all tax imposed by the provisions of this Act on salt water shrimp shall be paid to the duly authorized agent of the State Department vested with the power of enforcing the provisions of this Act, and all tax, licenses and fines collected under the provisions of this Act shall be forwarded on the first of the following month after the collection of the same to the State Treasurer and placed to the credit of the Oyster Fund.

Section 12. That any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100.00 nor more than $1,000.00 for each offense, which fine shall be paid in the lawful money of the United States of America, and shall be paid by the court collecting the same to the Oyster Commission, who shall forthwith transmit same to the State Treasurer to be covered into the Oyster Fund.

Section 13. It shall be the duty of the Oyster Commission through its agents to enforce the provisions of this Act, to collect all taxes and fines growing out of the administration and enforcement of the provisions of this Act and to issue all licenses provided herein.

Section 14. That no person who has not been a bona fide resident of the State for more than one year, next preceding, shall be permitted to catch shrimp from the waters of this State, to be shipped out of this State by water.

Section 15. That the Oyster Commission shall have the power to establish ports of entry, which shall include Alabama Port, Cedar Point, Dauphin Island, Mobile and Bayou La Batre, and such ports so established shall be the only ports used by persons, or boats landing shrimp in Alabama by water, or at which the tax is to be paid by those liable for same; and it is hereby made unlawful to so use any other port than those regularly established by the said Oyster Commission.

Section 16. That the Oyster Commission shall have the power to make such regulations and rules, not inconsistent with the provisions of this Act, to the end that the shrimp of the State may be adequately protected and the industry encouraged.

Section 17. That the tax on shrimp imposed by the provisions of this Act shall be paid to the Oyster Commission or its agents.

Section 18. That the catchers of shrimp shall make weekly reports in writing to the Oyster Commission of the number of barrels of shrimp caught, the person, firm or corporation, or boat to

whom such shrimp was sold, and the purchaser of said shrimp from the catchers, or dealers, or factories catching their own shrimp, shall make monthly report in writing to the Oyster Commission of the number of barrels of shrimp purchased from the catchers, or used, the names of such catchers from whom purchased, and the date of purchase. And should any dealer or factory, within or without the State, fail or refuse to make such reports, it shall be unlawful for the catchers, after notice thereof from the Oyster Commission, to sell or deliver any shrimp to such dealers or factories or boats furnishing shrimp to the same, or for any factory to catch any shrimp for use in such factory, within the State, until notified by said Commission that such dealer or factory has complied with the requirement of this law.

Section 19. That it shall be unlawful to catch or attempt to catch any salt water shrimp north of a line commencing at the mouth of Dog River in Mobile County and running in an eastwardly direction to the town of Daphne in Baldwin County.

Section 20. That in all cases it shall be necessary to make proof as to the prices at which any sea food was sold, on any particular day; in other states the burden of proof shall be upon the party shipping or selling such sea food out of the State to show same.

Section 21. That no shrimp or sea food shall become the property of any person, firm or corporation unless the laws of this State, protecting such sea food and prescribing the manner under which same shall be taken, caught, transported, or marketed, be complied with as set forth in the laws for the preservation and protection of such sea food.

Section 22. All laws and parts of laws heretofore enacted relating to shrimp be and the same are hereby repealed.

Section 23. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved July 6, 1931.

No. 363) (S. 346—Teasley.

AN ACT

To Amend Section 17 of Article II, Section 35 of Article III, and Sections 52 and 55 of Article V, of an Act of the Legislature of Alabama Approved September 10, 1927, entitled, "An Act, To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236,

237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act."

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 17, of Article II, of said Act, be, and the same is hereby amended so as to read, as follows: "Section 17.

BONDED INDEBTEDNESS ADJUSTED, REFUNDED, ETC:—The governing bodies of any municipality, having bonds outstanding, may, without an election, issue bonds of the municipality for the purpose of refunding such bonds to an amount not exceeding the principal amount of the bonds to be so refunded, and may also, without an election, issue bonds of the municipality from time to time for the purpose of refunding installments of not less than $1,000.00 becoming due on serial bonds heretofore issued and outstanding under the provisions of this Act."

Section 2. That Section 35, of Article III, of said Act, be, and the same is hereby amended so as to read, as follows: "Section 35. COUNTIES MAY SETTLE, ADJUST AND REFUND BONDED INDEBTEDNESS:—The governing body of any County, having bonds oustanding, may, without an election, issue bonds of the county for the purpose of refunding such bonds to an amount not exceeding the principal amount of the bonds to be so refunded, and may also, without an election, issue bonds of the municipality from time to time for the purpose of refunding installments of not less than $1,000.00 becoming due on serial bonds heretofore issued and outstanding under the provisions of this Act."

Section 3. That Section 52 of Article V of said Act, be and the same is hereby amended so as to read as follows: "Section 52. MATURITY OF BONDS:—The principal of each issue of bonds issued under this Code, except bonds issued under Article IV hereof, shall be payable in annual installments, none of which shall be more than twice as large as the smallest prior installments, and the first of which shall be payable not later than three years after the date of the bonds. The last installment, except in the case of deficiency, funding or refunding bonds, shall be payable within the period of usefulness of the improvement or property for which the bonds are issued estimated according to Section 53 hereof. In the case of deficiency, funding or refunding bonds, the last installment shall be payable not later than thirty years from the date of the bonds. In no event shall the last installment of any bonds issued under this Code be payable more than thirty years from the date of the bonds. If all of the bonds of an authorized issue are not issued at the same time, the bonds at any one time outstanding shall mature as aforesaid." Provided that in the case of bonds issued prior to the adoption of this Code to the extent that sinking funds were not provided or maintained to pay same at maturity,

bonds issued to refund such bonds shall be payable not later than thirty years from the date of such bonds, either all in any one year, or from time to time in installments."

Section 4. That Section 55, of Article V, of said Act, be, and the same is hereby amended so as to read, as follows: "Section 55. SELLING PRICE:—All bonds issued under this Code shall be sold by the governing body at not less than 95% of their par value together with accrued interest from the date of the bonds to the date upon which they are delivered and paid for. Provided, however, that towns and cities of less than 6,000 population may sell such bonds at not less than 90% of their par value and accrued interest to date of delivery."

Section 5. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 6. This Act shall take effect immediately after its Approval by the Governor.

Approved July 10, 1931.

No. 365) (S. 499—Craft

AN ACT

To provide that unless otherwise stated in the Act or Resolution calling such election, whenever any special election is ordered by the Legislature upon any proposed amendment or amendments to the Constitution of this State affecting only one municipality in this State, then if such municipality has as much or more than 68,000 and under 200,000 inhabitants according to the last or any subsequent Federal Census, and if no amendment or amendments other than those affecting said municipality are submitted to the voters of the State at said election, the expense of holding such election, including the cost of publication, shall be paid by the municipality so affected.

Be it Enacted by the Legislature of Alabama:

Section 1. Unless otherwise stated in the Act or Resolution calling such election, whenever any special election is ordered by the Legislature upon any proposed amendment or amendments to the Constitution of this State, and said amendment affects only one municipality in this State, then if such municipality has as much or more than 68,000 and under 200,000 inhabitants according to the last or any subsequent Federal Census, and if no amendment or amendments other than those affecting said municipality are submitted to the voters of the State at said election, the expense of holding such election, including the cost of publishing the notices and proclamation required by the Constitution, shall be paid by such municipality.

Section 2. It shall be the duty of the State Auditor to ascertain the expense of such election, and within thirty days after the

holding of the same, to present to and file with the Clerk of such municipality, a statement of said expense, duly certified by such officer, and the governing body of such municipality, by whatever name called, shall cause said expense to be paid out of the funds of the municipality to the Treasurer of the State of Alabama. Every such claim shall be a preferred claim against such municipality, and the courts may enforce by writ of mandamus performance of the duty herein entailed upon the Auditor and the members of the governing body of such municipality.

Section 3. This Act shall be in force and effect on its passage and approval.

Approved July 10, 1931.

No. 369) (H. 111—McNeel.

AN ACT

Requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Tax Commission in connection therewith, and prescribing penalties for the violation thereof.

Be it Enacted by the Legislature of Alabama:

STORES—OPERATING, MAINTAINING, OPENING OR ESTABLISHING WITHOUT LICENSE DECLARED UNLAWFUL.

Section 1. That from and after the first day of October, 1931, it shall be unlawful for any person, firm, corporation, association or copartnership, either foreign or domestic, to operate, maintain, open or establish any store in this State without first having obtained a license so to do from the State Tax Commission, as hereinafter provided.

APPLICATION FOR LICENSE TO STATE TAX COMMISSION—FEES.

Section 2. Any person, firm, corporation, association or copartnership desiring to operate, maintain, open or establish a store in this state shall apply to the State Tax Commission for a license so to do. The application for a license shall be made on a form which shall be prescribed and furnished by the State Tax Commission, and shall set forth the name of the owner, manager, trustee, lessee, receiver or other person desiring such license; the name of such store; the location, including the street number, of such store; and such other facts as the State Tax Commission may require. If the applicant desires to operate, maintain, open or establish more than one such store; he shall make a separate application for a license to operate, maintain, open or establish each such

store, but the respective stores for which the applicant desires to secure licenses may all be listed on one application blank. Each such application shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in Section 5 of this Act.

EXAMINATION, CORRECTION OF APPLICATION—ISSUANCE, DISPLAY OF LICENSE.

Section 3. As soon as practicable after the receipt of any such application, the State Tax Commission shall carefully examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If, upon examination, the State Tax Commission shall find that any such application is not in proper form and does not contain the necessary and requisite information, it shall return such application for correction. If an application is found to be satisfactory, and if the filing and license fees, as herein prescribed, shall have been paid, the State Tax Commission shall issue to the applicant a license for each store for which an application for a license shall have been made. Each licensee shall display the license so issued in a conspicuous place in the store for which such license is issued.

EXPIRATION, LAPSE OF LICENSES—RENEWALS.

Section 4. All licenses shall be so issued as to expire on the thirty-first day of December of each calendar year. On or before the first day of January of each year, every person, firm, corporation, association or copartnership having a license, shall apply to the State Tax Commission for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the State Tax Commission. No license shall lapse prior to the thirty-first day of January of the year next following the year for which such license was issued, and if, by such thirty-first day of January, an application for a renewal license has not been made, the State Tax Commission shall notify such delinquent license holder thereof, by registered mail, and if application is not made for and a renewal license issued on or before the last day of February, next ensuing, the former license shall lapse and become null and void. Each such application for a renewal license shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in Section 5 of this Act.

ANNUAL LICENSE FEES.

Section 5. Every person, firm, corporation, association or copartnership opening, establishing, operating or maintaining one or more stores or mercantile establishments, within this State, under the same general management, supervision or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually, and shall be in addition to the filing fee prescribed in

Sections 2 and 4 of this Act. THE LICENSE FEES HEREIN PRESCRIBED SHALL BE AS FOLLOWS: (1) Upon one store, the annual license fee shall be One ($1.00) Dollar for each such store; (2) Upon two stores or more, but not to exceed five stores) the annual license fee shall be Ten ($10.00) Dollars for each such additional store; (3) Upon each store in excess of five, but not to exceed ten, the annual license fee shall be Fifteen ($15.00) Dollars for each such additional store; (4) Upon each store in excess of ten, but not to exceed twenty, the annual license fee shall be Twenty-five ($25.00) Dollars for each such additional store; (5) Upon each store in excess of twenty, the annual license fee shall be Seventy-five ($75.00) Dollars for each such additional store.

FEES FOR LICENSES ISSUED PRIOR TO OR AFTER JULY 1.

Section 6. Each and every license issued prior to the first day of July of any year shall be charged for at the full rate, and each and every license issued on or after the first day of July of any year shall be charged for at one-half of the full rate, as prescribed in Section 5 of this Act.

PARTIES TO WHICH ACT APPLIES.

Section 7. The provisions of this Act shall be construed to apply to every person, firm, corporation, copartnership or association, either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association of ultimate management.

DEFINITION OF TERM "STORE";

Section 8. The term "store" as used in this Act shall be construed to mean and include any store or stores or any mercantile establishment or establishments which are owned, operated, maintained or controlled by the same person, firm, corporation, copartnership or association, either domestic or foreign, in which goods, wares or merchandise of any kind, are sold, either at retail or wholesale. The term "store" as used in this Act shall not be construed to mean or include any place of business at which the principal business conducted is that of selling or distributing petroleum products; provided, however, that if this exception should be held unconstitutional, such holding shall not affect the remaining portions of this Act.

PENALTY.

Section 9. Any person, firm, corporation, copartnership or association who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Twenty-five ($25.00) Dollars nor more than One Hundred ($100.00) Dollars, and each and

every day that such violation shall continue shall constitute a separate and distinct offense.

EXPENSES OF ADMINISTRATION—TRANSFER OF ACCRUING MONEYS TO SCHOOL RELIEF FUND.

Section 10. Any and all expenses incurred by the State Tax Commission in the administration of this Act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this Act. All money collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be paid into the State Treasury, monthly, by the State Tax Commission, and shall be added to and shall constitute a part of the Educational Trust Fund.

CLERICAL ASSISTANTS—PAYMENT OF EXPENSES—INITIAL APPROPRIATION—EMERGENCY.

Section 11. The State Tax Commission is hereby authorized to employ such clerical assistants as may be necessary to carry out and administer the provisions of this act, and to prepare and print such blanks, forms, reports, receipts, and any and all other things which may be necessary to provide for the administration of this Act, and to pay any and all such expenses so incurred out of the fund collected under the provisions of this Act. The sum of Two Thousand ($2,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the general fund of the State Treasury not otherwise appropriated, to be available upon the taking effect of this section, and to be used by the State Tax Commission in defraying any expenses which may be incurred in the administration and in preparing to administer this Act before sufficient funds shall have been collected from license fees, as hereinbefore provided. As soon as a sufficient amount of license fees shall have been collected under the provisions of this Act, the Two Thousand ($2,000.00) Dollars hereby appropriated or so much thereof as shall have been used, shall be returned to the general fund. Whereas an emergency exists for the immediate taking effect of this Section, the same shall be in full force and effect from and after its passage.

VALIDITY.

Section 12. If any section, provision or clause of this Act should be declared invalid, such invalidity shall not be construed to affect the portions of the Act not so held invalid.

ACT IN EFFECT FROM AND AFTER JULY 1, 1931.

Section 13. This act, except section 11, shall be in effect from and after the first day of October, 1931.

Approved July 7, 1931.

No. 370) (H. 350—Ware

AN ACT

To further regulate and provide for the erection, repair and equipment of rural school houses in the several counties of the State of Alabama; and to provide for the payment of debts incurred by County boards of Education in the erection, repair and equipment of rural school houses out of the Rural School House Fund, as now authorized by law.

Be it Enacted by the Legislature of Alabama:

Section 1. That where County Boards of Education have incurred debts, evidence by warrants or otherwise, in the erection, repair or equipment of rural school houses according to plans and regulations set out in sections 370 to 386 of the Alabama School Code of 1927, it shall be lawful for the State Board of Education to appropriate rural school house funds to such counties for the purpose of paying such indebtedness, provided that there are no new buildings or equipment erected or installed in any county to consume such county's apportionment or share of such rural school house funds for any fiscal year.

Section 2. That if during any fiscal year there are no new buildings erected or equipment installed that could be paid for, or is paid for, out of the rural school house funds the County Board of Education of any County may make application to the State Board of Education and obtain such County's proportionate share of such rural school house funds and apply the same on any indebtedness incurred by such County Board of Education in the erection, repair and equipment of rural school houses during previous years. Provided, however, that such application shall show at least twice the amount for which such aid is asked has already been secured from other sources than from the State, and that proof must be made to the State Board of Education by the County Board of Education, that debts that have been incurred in the erection, repair and equipment of rural school houses which have already been erected under the plans and specifications of the State Board of Education, and at least twice the amount for which such aid is asked has already been secured from other sources than from the State and that all the provisions of Sections 370 to 386 inclusive of the Alabama School Code of 1927 have been fully complied with.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 4. That this Act shall take effect upon its approval by the Governor.

Approved July 8, 1931.

No. 371) (H. 530—Tidwell

AN ACT

To amend an Act entitled "An Act to amend Sections 1754, 1757, 1760 and 1894, of the Code of Alabama, 1923," approved September 9, 1927.

Be it Enacted by the Legislature of Alabama:

That an Act entitled "An Act to amend Sections 1754, 1757, 1760 and 1894 of the Code of Alabama, 1923," approved September 9, 1927, be and the same is hereby amended so as to read as follows:

Section 1. General municipal elections for the election of mayors and aldermen in cities and towns in this state which have or are under aldermanic form of government shall be held on the third Monday in September, 1932, and quadrennially thereafter in cities of two thousand population or more, and biennially thereafter in towns. All elections shall be conducted in the manner provided by law for general elections, except as otherwise provided. The voting places for such elections shall be fixed and provided by the city or town council, and one or more voting places shall be fixed and provided for in each ward, where the city or town has been divided into wards. All officers elected at such election shall take their offices on the first Monday in October, following their election, unless otherwise provided by law.

Section 2. In cities having a population of six thousand or more, there shall be elected at each general municipal election the following officers, who shall compose the city council for such cities, and who shall hold office for four years and until their successors are elected and qualified, and who shall exercise the legislative functions of city government and any other powers and duties which are or may be vested by law in the city council or its members: A president of the city council; and in cities having seven wards or less, two aldermen from each ward, to be elected by the qualified voters of the several wards voting separately in every ward; except in cities of less than twenty thousand population, in which two aldermen from each ward shall be elected by the electors of the city at large; in cities having more than seven wards, one alderman from each ward, and a sufficient number of aldermen from the city at large to make the total number of aldermen fourteen exclusive of the president of the council; and in cities having fifty thousand population or more the city council may create not exceeding twenty wards. The president of the council shall have the right to vote on all questions the same as any other member of the council. Provided, however, that the city council of any city having a population of six thousand or more may by ordinance or resolution, if adopted by two-thirds vote of the city council more than six months prior to any general municipal election, provide that

the city council of said city shall consist of five aldermen to be elected from the city at large.

Section 3. Five aldermen shall be elected from the city at large in cities having a population of six thousand or more, where the city council has provided by ordinance or resolution that the city council thereof shall consist of five aldermen, to be elected from the city at large, and five aldermen shall be elected from the city at large in cities having a population of less than six thousand and also in towns, and the aldermen elected in such cities shall hold office for four years and until their successors are elected and qualified, and the aldermen elected in such towns shall hold office for two years and until their successors are elected and qualified. The aldermen so elected, together with the mayor of the city or town, shall exercise the legislative functions of city or town government and any and all other powers and duties which are or may be invested in the city or town council and its members.

Section 4. A mayor shall be elected in all cities and towns at each general municipal election who in cities shall hold office for four years and until his successor is elected and qualified, and in towns for two years and until his successor is elected and qualified. The mayor shall not sit with the council or vote in its proceedings in cities of six thousand population or more, unless the city council has therefore provided by ordinance or resolution that the city council shall consist of five aldermen to be elected from the city at large. The mayor shall vote with and preside over the deliberations of the council and the legislative functions shall be discharged by the mayor and aldermen in cities of less than six thousand population and in towns, and also in cities having a population of six thousand or more in which the city council has provided by ordinance or resolution that the city council shall consist of five aldermen to be elected from the city at large.

Section 5. Vacancies in the office of the aldermen in any city or town shall be filled by the council at the next regular meeting or any subsequent meeting of the council, the person so elected to hold for the unexpired term.

Section 6. The mayor shall have the powers and perform the duties as follows: He shall keep an office in the city or town, and shall receive such salary as the Council may prescrive, not exceeding the following amounts: In cities having twenty-five thousand population or more, not exceeding Five Thousand Dollars, and not less than Eighteen Hundred Dollars a year; in cities having ten thousand and up to twenty-five thousand population, not exceeding Three Thousand Dollars and not less than Eighteen Hundred Dollars a year; in cities having five thousand and up to ten thousand population, not exceeding Eighteen Hundred Dollars, and not less than Six Hundred Dollars a year; in cities having less than five

thousand population, not exceeding Fifteen Hundred Dollars, and not less than One Hundred Dollars a year; in towns, not exceeding Five Hundred Dollars and not less than Fifty Dollars a year.

Approved July 10, 1931.

No. 372) (H. 700—Goodwyn.

AN ACT

To amend an Act entitled an Act, "To amend Section 4 of an Act Entitled: An Act to provide for the consolidation of the administration and control of the public school system in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority, approved September 6, 1927, Approved March 5, 1931.

Be it Enacted by the Legislature of Alabama:

Section 1. That An Act to amend An Act entitled an Act, To amend Section 4 of An Act Entitled: An Act to provide for the consolidation of the Administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education in lieu of all other city and County Boards of Education in such counties, and provide for the manner of its selection and to define its authority, approved September 6, 1927, Approved March 5, 1931, be amended so as to read as follows: Section 4. All rights, privileges, authority and powers now vested by law in any City Board of Education or any County Board of Education within any such County be and the same are hereby conferred upon and vested in the Board of Education created by this Act, and such Board shall have full authority to make a single coordinated system of all the City and County public schools in any such County, but no contracts, obligations or employment entered into by any of the existing Boards prior to the passage of this Act shall in any way be affected by their abolishment. And such Boards of Education shall be vested with the title to all property, real and personal of every description previously owned by any City Board of Education or any County Board of Education within any such county, with full right to convey or mortgage any such property, and with full power and right to purchase, acquire and hold additional property of all kinds and description, provided that any such conveyance, mortgage or purchase of real estate lying within the corporate limits of any such City shall be by and with the consent of the governing authorities of such City, and any such conveyance

mortgage or purchase of real estate lying not within the corporate limits of such City shall be by and with the consent of the Court of County Commissioners or Board of Revenue of such County, and such Board of Education shall have full authority to employ teachers, experts, attorneys, engineers, architects and all other employees of every character which it thinks necessary or desirable for the proper conduct and administration of the business of said Board of Education, and all purchases of property heretofore made, and all contracts of employment heretofore entered into for any said purposes herein stated, be and the same are, hereby ratified. And said Board shall have full authority to refund any debts incurred by it for school purposes prior to October 1, 1931, and to secure any warrants issued in connection with any such refunding with the proceeds of any income, fixed or otherwise, which it may receive or be entitled to under the laws of Alabama for the construction, maintenance and operation of the schools of any such city and county. And the Board shall be authorized to use all monies received by said Board for any and all school purposes. And such Board may establish a department of accounting suitable for its needs, which department must show the application of all funds received and disbursed, showing from whom received and to whom disbursed. Said Board further shall file a general statement of its receipts and disbursements annually with the State Superintendent of Education, the County Board of Revenue, and the governing authority of each city located in said county.

Approved July 8, 1931.

No. 373) (H. 814—Taylor

AN ACT

To Provide For And Submit To The Qualified Electors Of The State of Alabama An Amendment To The Constitution Of Alabama Prescribing Certain Conditions Under And The Extent To And The Purposes For Which The City Of Mobile May Become Indebted Beyond The Limit Fixed By Section 225 Of The Constitution, And Ordering An Election By The Qualified Voters of The State Upon Such Proposed Amendment, And Fixing The Time For Holding The Said Election.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama is hereby proposed, viz: "The governing authorities of the City of Mobile are hereby authorized at any time, and from time to time, to call an election and submit to the qualified electors of the City of Mobile, a proposal or proposals to increase, beyond the limit fixed by Section 225 of the Constitution, the amount in which the City of Mobile may become indebted, and

after securing the approval of a majority of the qualified electors of such City voting at any such election, said City may thereafter become indebted to an additional amount, not exceeding that approved by the voters as aforesaid, nor the limit hereinafter fixed, provided that the purpose for which the governing authorities of said City propose that said City shall be authorized to become indebted for such additional amount or amounts, shall have been stated in the notice calling said election, and provided further, that said City shall not become indebted in an amount, including present indebtedness, exceeding ten per centum of the assessed value of the property therein, but there shall not be included in the limitation of the indebtedness of such City, the following classes of indebtedness, to-wit, temporary loans to be paid within one year, made in anticipation of the collection of taxes, and not exceeding one-fourth of the general revenues; bonds or other obligations already issued, or which may be hereafter issued for the purpose of providing, acquiring or constructing school houses, water works and sewers, and obligations incurred and bonds issued for street or sidewalk improvements or ornamental street lighting systems, where the cost of the same, in whole or in part, is to be assessed against the property abutting or benefitted by said improvements, and provided further, that the proceeds of all obligations issued as herein provided in excess of said ten per centum of the assessed value of the property therein, shall not be used for any purpose other than that for which said obligations were issued, and provided that nothing contained herein shall prevent the funding or refunding of existing indebtedness. Each election held under the provisions hereof shall be ordered, held, canvassed, and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds.

Section 2. It is hereby ordered and directed that an election by the qualified electors of this State upon the amendment proposed in Section 1 of this Act shall be held at the General Election next succeeding the present session of this Legislature.

Section 3. Notice of the election hereby ordered, together with the amendment proposed in Section 1 hereof, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in each county in the state, for at least eight successive weeks next preceding the day hereby appointed for said election.

Section 4. The expense of the election herein provided for, and the cost of publication of the notices shall be paid by the City of Mobile.

Passed by the House June 16, 1931.

Passed by the Senate June 30, 1931.

No. 374) (H. 459—Goode

AN ACT

To levy and provide for the collection of taxes on estates in the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby levied and imposed upon the net estates passing by will, devise, or under the intestate laws of the State of Alabama, a tax of Eighty per centum of the tax imposed upon such net estates by the Act of Congress, approved February 26, 1926. The rates and the definition of "net estates" shall be as provided in said Act of Congress.

Section 2. The State Tax Commission shall enforce this Act. It shall provide suitable forms for reports and shall make all necessary rules and regulations facilitating its collection and enforcement.

Section 3. This Act is to become effective when an amendment to the Constitution authorizing the tax herein provided for has been adopted.

Approved July 7, 1931.

No. 376) (H. 210—Bradford of Jefferson

AN ACT

To require all county officers in counties having a population of three hundred thousand (300,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and perequisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for by them growing out of the performance of their official duties.

Be it Enacted by the Legislature of Alabama:

Section 1. That all county officers in counties of this State having a population of three hundred thousand (300,000) or more according to the last or any subsequent Federal census, shall pay into the county treasury all fees, costs, commissions, and perequisites derived from said office or monies, charged or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices or for the sale of any information or the copies of any documents, papers, maps or records relating directly or indirectly to said offices.

Section 2. Be it further enacted that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or for any act or service charged for by them growing out of the performance of their official duties or connected with the operation or conduct of their respective offices.

Section 3. That this act shall become effective upon its approval by the Governor.

Approved July 10, 1931.

No. 377) (H. 707—Patterson

AN ACT

For the relief of H. M. Smith, and to appropriate the sum of Thirty seven and 44/100 dollars, ($37.44), out of any moneys in the State Treasury not otherwise appropriated for the purpose of refunding to the said H. M. Smith the said sum which he erroneously over paid to the State of Alabama, on the taxes on his real estate for the years 1926, 1927, 1928 and 1929, and to reimburse the said H. M. Smith in the said sum so over paid, and to authorize and require the State Auditor to draw his warrant in favor of said H. M. Smith in said sum upon the State Treasurer, and to deliver the same to the said H. M. Smith.

Be it Enacted by the Legislature of Alabama:

Section 1. The sum of Thirty Seven and 44/100 dollars, ($37.44,) is hereby appropriated out of and from the State Treasury of the State of Alabama, for the purpose of refunding to H. M. Smith, the Said sum of Thirty seven and 44/100 dollars, ($37.44), which was erroneously over paid to the State of Alabama, on the taxes on his real estate for the years 1926, 1927, 1928 and 1929, and to reimburse the said H. M. Smith from the said State Treasury in the sum so overpaid.

Section 2. Be It Further Enacted, That the State Auditor be and he is hereby authorized and required to draw warrant on the State Treasurer for the said sum of Thirty seven and 44/100 dollars, ($37.44), in favor of the said H. M. Smith, and to deliver said warrant to the said H. M. Smith.

Approved July 10, 1931.

Passed Over The Governor's Veto) (H. 772—Sanderson

AN ACT

To provide for the appointment of probation officers and to prescribe and to define the powers and duties of such probation officers, to authorize them to make arrests of probationers, to fix their salaries and terms of office, and to provide for the payment of the expense incurred by them in the performance of their duties; and to prescribe and define the duties of the Court.

Be it Enacted by the Legislature of Alabama:

Section 1. The Judges of the State Courts having original jurisdiction of criminal actions may appoint one or more suitable persons to serve as probation officers within the jurisdiction and under the discretion of the judge making such appointment or of his successor. All such probation officers shall serve without compensation. Such judge may in his discretion remove any probation officer serving his Court. The appointment of probation officers shall be in writing and shall be entered on the records of the court of the judge making the appointment, and a copy of the order of appointment shall be delivered to the officer so appointed. Such court may allow any probation officer his actual expenses necessarily incurred in the performance of his duties. Such expense when duly approved shall be paid from the county treasurer of the County in which such officer serves.

Section 2. BE IT FURTHER ENACTED that when directed by the court, the probation officer shall report to the court, with a statement of the conduct of the probationer while on probation. The court thereupon may discharge the probationer from further supervision and may terminate the proceedings against him, or may extend the probation, as shall seem advisable. At any time within the probation period the probation officer may arrest the probationer without a warrant, or the court may issue a warrant for his arrest. Thereupon such probationer shall forthwith be taken before the court. At any time after the probation period, but within the maximum period for which the defendant might originally have been sentenced, the court may issue a warrant and cause the defendant to be arrested and brought before the Court. Thereupon the court may revoke the probation or the suspension of sentence, and may impose any sentence which might originally have been imposed.

Section 3. BE IT FURTHER ENACTED that it shall be the duties of a probation officer to investigate any case referred to him for investigation by the court in which he is serving and to report thereupon to the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding the same. Such officer shall keep informed concerning the

conduct and condition of each person on probation under his supervision and shall report thereon to the court placing such person on probation. Such officer shall use all suitable methods, not inconsistent with the conditions imposed by the Court, to aid persons on probation and to bring about improvements in their conduct and condition. Each officer shall keep records of his work; shall keep accurate and complete accounts of all moneys collected from persons under his supervision; shall give receipts therefor and shall make at least monthly returns thereof; shall make such reports to the governor as he may at any time require; and shall perform such other duties as the court may direct. A probation officer shall have the power of arrest that is now exercised by sheriffs of the State of Alabama.

Passed over Governor's Veto July 14, 1931.

Passed over Governor's Veto) (H. 773—Sanderson

AN ACT

To provide for the suspension of imposition or execution of sentences and the placing of defendant upon probation; and to prescribe and give power to the State Courts to suspend imposition or execution sentences and to place defendant upon probation and to give said Courts power of revocation and modification of probation; and to prescribe the duties of probationers.

Be it Enacted by the Legislature of Alabama:

Section 1. The several Courts of the State having original jurisdiction of criminal actions when it shall appear to the satisfaction of the Court trying the case or his successor in office that the ends of justice and the best interests of the public as well as the defendant, will be subserved thereby, shall have power with the approval of the Solicitor after conviction or after a plea of guilty or nolo contendere for any crime or offense in all cases when the punishment is fixed by a judge or jury at not more than ten years in the penitentiary, and in all cases where the defendant is sentenced to hard labor for the County to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as they may deem best; or the Court may impose a fine and may also place the defendant upon probation in the manner aforesaid. The Court may revoke or modify any condition of probation or may change the period of probation. The period of probation together with any extension thereof shall not exceed five years. All modifications or extensions of the period of probation as granted hereunder to be made by the Judge of the Court where sentence was imposed, with the Approval of the Solicitor of said Court.

Section 2. While on probation a defendant may be required to pay in one or several sums a fine imposed at the time of being placed on probation and may also be required to make restitution or reparation to the aggrieved party or parties for actual damages or loss caused by the offence for which conviction was had, and may also be required to provide for the support of any person or persons for whose support he is legally liable.

Passed over the Governor's Veto July 14, 1931.

Passed over Governor's Veto) (H. 775—Harris

AN ACT

For the relief of C. Benton Moore, an engineer employed by the State Highway Department and to reimburse him for expenses incurred in doctor bills, nurse bills, or nurse hire, hospital bills, medicine and other expenses paid out by the said C. Benton Moore while in the hospital and before recovering, after being injured by a fall from a bridge on January 30th 1931, while in the discharge of his duties and while in the employment of the State Highway Department, of the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be and is hereby authorized and directed to draw his warrant upon the State Treasurer of the State of Alabama, in favor of C. Benton Moore for the sum of Twenty Six Hundred Thirty Four dollars and eighty nine cents, ($2634.89) to reimburse said C. Benton Moore for money paid out by him in doctor bills, nurse hire, hospital bills, medicine, and other expenses paid by him while in the hospital and recovering from injuries received by the said C. Benton Moore, from a fall from a bridge on which he was employed as an engineer by the State Highway Department of the State of Alabama, while acting within the line and in discharge of his duties and within the scope of his employment, on the 30th day of January, 1931. And that the State Treasurer of the State of Alabama, be and he is hereby authorized directed and required to pay such warrant out of any moneys in the State Treasury not otherwise appropriated.

Passed over Governor's veto July 14, 1931.

No. 383) (H. 440—Patterson

AN ACT

To protect the public health and welfare, to provide for the construction, maintenance and operation of hospitals and sanatoria for the treatment of tuberculosis, and to make appropriations for the building and maintenance of same.

Be it Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue, or the Court of County Commissioners, or other governing body, of any county in this State is hereby authorized to establish, maintain and operate a hospital or sanatorium for the treatment of tuberculosis in accordance with the terms and provisions of this Act. Such Board of Revenue, or Court of County Commissioners, or other governing body of the county, subject to the conditions as set forth herein, shall designate the site on which said sanatorium is to be established and the sum or sums of money to be appropriated for the purchase of said site, and the improvements thereon, if any, and for construction and equipment purposes. Immediately upon the taking of such action by the governing body of any county it shall be the duty of the Clerk of said body to send and certify to the State Committee of Public Health a copy of the resolution or resolutions; whereupon the State Committee of Public Health shall, through its duly authorized representative, or representatives, inspect and pass upon the desirability of such site, and if appropriate, it shall co-operate with the Board of Revenue, or Court of County Commissioners, or other governing body, of the county, or with any committee thereof selected for such purposes or with the board of trustees appointed as hereinafter provided, in the preparation or selection of plans for the building or buildings to be erected, provided that no sanatorium to be erected under the provisions of this act shall have provisions for room for less than twenty-five beds to be used for patients, and provided further that suitable arrangements shall be made in each sanatorium for the segregation of white and negro patients. Any sanatorium heretofore or hereafter which participates in the benefits of this Act must meet the following requirements of the State Committee of Public Health, to wit: It must be located at such point as that it will, in the judgment of said State Committee of Public Health, serve the interest of a population sufficiently large to insure the economic operation thereof; and it must be so equipped and operated as to conform to the modern standards set for the equipment and operation of tuberculosis sanatoria to be approved by the State Committee of Public Health.

Section 2. The Board of Revenue, or Court of County Commissioners, or other governing body, of any county having jurisdiction, subject to the provisions of Section 1 of this act, is hereby

authorized and empowered to appropriate from the general funds of the county an amount or amounts sufficient for the purposes of purchasing the site, for construction, equipment and maintenance of a hospital or sanatorium for the treatment of tuberculosis; but, in no case shall the appropriation for the original purchase, construction, equipment and maintenance exceed in any one year an amount equal to one mill (1) of the assessed value of the property in the county where the appropriation is made. If deemed expedient by the governing body making the appropriation for establishing such a hospital or sanatorium contemplated by this act, such appropriation may be continued for three consecutive years but no longer. When the appropriation is made, it shall be set aside yearly as a special fund for the purchase of site, construction and equipment of the sanatorium authorized by the resolution. If project is abandoned, the funds set aside shall be put back in the general fund after the expiration of five years.

Section 3. The Board of Revenue, or Court of County Commissioners, or other governing body, of any county in which such sanatorium is to be established shall appoint a Committee of five, all of whom shall be residents of county; one of whom shall be the county health officer, and one of whom shall be a reputable, licensed doctor of said county; this committee shall be known as the board of trustees of the tuberculosis sanitorium of said county. In the first instance, one of such trustees shall serve for a period of one year, one shall serve for a period of two years, one for a period of three years and one for a period of four years, in each instance from and after the first day of January following his or her appointment. Thereafter, each trustee, except the county health officer, shall hold office for a period of four years from the date of expiration of the term from which his predecessor was appointed and until a successor is appointed. The term of service of the county health officer shall be a continuous one, so long as he remains the health officer of said county. Said board of trustees shall organize by election of a chairman, a secretary and treasurer or a secretary-treasurer and shall adopt rules and regulations governing its procedure. For the transaction of business by this board, the presence of not less than three members shall be necessary to constitute a quorum. Each such trustee shall file his acceptance of office with the county clerk and shall also take and file with said clerk the constitutional oath of office. It shall be the duty of said board of trustees to co-operate and advise with the State Committee of Public Health or its duly authorized representative and the County Board of Revenue, or with any committee selected thereby, in establishing, erection and equipment of the sanatorium. As soon as such sanatorium is completed and equipped, the management and control thereof shall vest in said board of trustees, subject to the provisions of this act. Money for the pur-

chase of site, construction and equipping of the sanatorium shall be paid out by the county treasurer on the order of said board of trustees, countersigned by the chairman and clerk of the Board of Revenue, the Court of County Commissioners, or other governing body, of any county, or by a committee of said board or governing body selected by board for that purpose.

Section 4. Any two or more adjoining or continguous counties within this State may co-operate for the establishment, maintenance and operation of a joint County sanatorium for the treatment of tuberculosis under the provisions of this act. The Board of Revenue, or Court of County Commissioners, or other governing body, of any county may appoint a committee to confer with a like committee similarly chosen by the board in any county or counties for the purpose of selecting a site for a joint sanatorium. At such meeting the committees present shall organize into a joint committee and shall select one of the members of such joint committee chairman and a second secretary. A full report of the results of such meeting shall be made to the Board of Revenue, or Court of County Commissioners, or other governing body, of any county, of each county concerned, at the next ensuing meeting thereof. Thereupon each said Board of Revenue, or Court of County Commissioners, or other governing body, of any county, shall have the same power to take action with reference to the establishment, maintenance and operation of such joint county sanatorium as is granted by this act with reference to the establishment of a sanatorium by a single county in so far as such provisions are applicable.

Section 5. In case the Boards of Revenue, or Courts of County Commissioners, or other governing bodies, of two or more counties, shall determine by separate action thereof that a joint sanatorium shall be established, it shall be the duty of each said board, or court, or body, to appoint a committee of its members for the purpose of co-operating with the State Committee of Public Health and with the board of trustees of said sanatorium in providing a site and in the construction and equipment of the necessary buildings and in conformity to the provisions set forth in Section 1. of this bill. Each board shall also select five residents and taxpayers of the county over which it has jurisdiction to serve as members of the board of trustees of the sanatorium, as set forth in Section 3. Said trustees shall be appointed for like terms and shall qualify in the same manner as provided in Section 3 for the appointment and qualification of trustees of a county sanatorium. It shall be the duty of the trustees so appointed from each county to meet jointly with like trustees from the other county or counties as soon as may be and to organize by the election of a chairman, a secretary and a treasurer, or a secretary-treasurer. For the transaction of business by such joint board the

presence of not less than three members of each interested county shall be necessary to constitute a quorum.

Section 6. The Board of Revenue, Court of County Commissioners, or other governing body, of each county, becoming a party to the erection of a joint sanatorium under the provisions of this act may appropriate in the manner set forth in Section 2 of this bill, in any one year, for establishing and for maintenance purposes a sum not exceeding one mill (1) on each dollar of assessed valuation of each county. Such appropriation shall be a special fund, and shall be transmitted by the treasurer of the county in which it is collected to the treasurer of the county in which the sanatorium is to be established. All such moneys shall be and remain in a special fund, and be used solely for the purposes for which the appropriation was made: Provided, however, that moneys appropriated for construction purposes, and not needed therefor, may be expended by the board of trustees for maintenance and operation. All moneys expended for purchase of site, construction, equipment, and installation of equipment of any sanatorium shall be paid out by the county treasurer for such fund in charge on the order of the board of trustees of such sanatorium.

Section 7. Plans and specifications for the construction and equipping of any sanatorium, to be erected under the provisions of this act, shall be furnished by the board of trustees of said sanatorium, *subject to the approval of the State Committee of Public Health.* Such work may be let as an entirety or in sections as may be deemed most advantageous. In all cases where the cost of construction exceeds the sum of five hundred dollars, bids shall be advertised for in one or more newspapers published and circulating within the county or counties not less than two weeks prior to the date when bids are to be received. Subject to the provisions of this Act, the board of trustees concerned may adopt rules and regulations concerning the manner of advertising for bids and the letting of contracts. In all cases the right to reject any and all bids presented shall be reserved. Each contract let hereunder shall provide that the work shall be done subject to the approval of the board of trustees, and said board of trustees shall have the authority to employ such architects, engineers or other professional assistance that it deems necessary and fix the compensation therefor: Such compensation to be paid as set out in Section 3 for construction.

Section 8. The State Committee of Public Health is hereby authorized and directed to adopt and publish, in the same manner as rules and regulations of the State Department of Health are published, rules and regulations governing the operation of county sanatoria. It shall be the duty of the board of trustees of any such sanatorium to observe such rules and regulations. Wilful failure or refusal to do so shall constitute grounds for removal. Subject to this act and to such rules and regulations, each such board of

trustees shall operate the sanatorium under its charge and shall employ a superintendent, a suitable number of nurses, and such other employees as may be necessary and may fix the compensation thereof, such compensation shall be paid out of the maintenance fund of the sanatorium in the same manner as the salaries of other county employees are paid. Money to defray the expenses of maintenance and operation shall be paid by the county treasurer having such fund in his custody on the warrant of the president of the board of trustees of the sanatorium counter signed by the secretary.

Section 9. Any sanatorium, or hospital now or hereafter established hereunder, desiring to share in the benefits of this act, must make provisions for the care of Alabama citizens who are not residents of such county or counties and must place at the disposal of the State Committee of Public Health for the use of such Alabama citizens aforesaid fifteen per cent. (15%) of the total bed capacity of such sanatorium or hospitals. It being the intent hereof that the county from which a patient, in indigent circumstances, comes, shall pay the difference remaining for the cost of such patient after the state subsidy has been deducted; should a patient from another county not be in indigent circumstances, said difference in cost after deducting the state subsidy shall be fixed by the board of trustees of the sanatorium receiving such patient. On the first day of each month the board of trustees, or the superintendent of the sanatorium, whether organized and established under the provisions of this act or any other act or acts permitting counties to erect and maintain sanatoria for the treatment of tuberculosis, shall report to the State Committee of Public Health the number of patients treated during the preceding month, with such detailed information as said State Committee of Public Health may require. Such reports shall show specifically the number of patients treated with the number of days and the aggregate number of weeks of such treatment and shall be verified by the Superintendent or by the president of the board of trustees. If accepted and approved by the State Health Officer, it shall be the duty of the latter official to certify to the State Auditor that the sanatorium in question has treated such number of patients for an aggregate specified number of days. Thereupon the State Auditor, with the approval of the Governor, shall draw his warrant on the State Treasurer in favor of county treasurer having the funds of the sanatorium in his custody, for such amount as will constitute compensation for such patients on the basis of one dollar per day each; it being the intent hereof that the State shall contribute toward the cost of maintaining and treating patients the sum of one dollar for each day of such care and treatment. Nothing in this act shall be construed to mean that any sanatorium established hereunder may not charge a person, who is not in indigent circumstances, a reasonable sum per week for care

and treatment in such institution, which sum shall be agreed upon by the board of trustees.

Section 10. No member of the board of trustees of any sanatorium established and maintained hereunder shall be entitled to receive compensation for his services. Any such trustee, however, shall be reimbursed on account of any expenses necessarily incurred by him in the performance of his official duties. All claims against the sanatorium shall be approved by the board of trustees thereof and paid in the manner hereinbefore indicated. Any vacancy occurring on a board of trustees shall be filled for the remainder of the term by the Board of Revenue, Court of County Commissioners, or other governing body, of the county represented by such trustee. Each said board shall constitute a body corporate and it may accept donations and bequests, may purchase and hold property, and make such contracts as may be necessary for the carrying out of the duties hereby imposed. All conveyances of real estate shall be taken in the name of the board of trustees in trust for the county or counties represented thereby.

Section 11. Prior to the regular October session in each year of the Board of Revenue, Court of County Commissioners, or other governing body, of any county establishing or maintaining or assisting to establish or maintain sanatorium hereunder, it shall be the duty of the board of trustees of such sanatorium to make and present to the board a full and detailed report of the operations during the preceding year and of the receipts and disbursements. At the same time an estimate of the funds necessary to be appropriated in such county for the ensuing year shall be presented. Thereupon, said board, subject to the provisions of this act, shall appropriate such amount as may be necessary. In the case of the joint county sanatorium it shall be the duty of each Board of Revenue, Court of County Commissioners, or other governing body, concerned to vote its proportionate share of the cost and maintenance of operation during the ensuing year, as estimated and determined by the board of trustees. In case any county or counties in which is located and maintained a sanatorium shall desire to appropriate more than the amount herein above provided, such appropriation shall not be made until the question shall have been submitted to the qualified electors of the county or counties effected at a general election held within the county in which said election there shall be written or printed on the ballot the amount of appropriation desired with spaces to indicate the will of the voter by the words "yes" and "no". If a majority of the electors shall indicate a desire to increase the appropriation, the appropriation shall be made and paid in the manner herein above provided.

Section 12. The State Committee of Public Health shall, through its duly authorized representative, inspect each sanatorium established hereunder once each quarter or oftener if it shall deem

necessary. It may also require from the authorities in charge of such sanatorium reports from time to time concerning the operation thereof. It shall be the duty of the said State Committee of Public Health to make recommendations to the board of trustees and to the superintendent in charge of the sanatorium with respect to operation, treatment of patients, employees, and such other matters as affect the welfare of the patients and the general conduct of the institution. If any board of trustees, or superintendent, shall neglect to observe the rules and regulations of the State Committee of Public Health hereinbefore provided for, the State maintenance aid contemplated by Section 9 may in the discretion of said State Committee of Public Health be withheld until such rules and regulations are complied with.

Section 13. The Board of Revenue, or Court of County Commissioners, or other governing body, of any county of this State not desiring to construct a sanatorium or hospital for the treatment of tuberculosis is hereby authorized to raise by taxation money for the aid and assistance of any hospital or sanatorium within this State and to secure the treatment of persons afflicted with tuberculosia, and may make agreements with the management or owners of such hospitals or sanatorium for the treatment of indigent patients afflicted with tuberculosis. No money shall be raised, however, for the assistance of any private hospital under this section nor to provide for the treatment of patients at any hospital or sanatorium, unless said hospital or sanatorium shall be first inspected by the duly authorized representative of the State Committee of Public Health, and approved by it as a proper and suitable institution for the care and treatment of patients afflicted with tuberculosis. No patient shall be admitted to a hospital or sanatorium provided by this section until the application of such patient has been passed upon by the county health officer of the county or an authorized representative of the State Health Officer and approved by the State Health Officer himself.

Section 14. Whenever the Board of Revenue, Court of County Commissioners, or other governing body, of any county shall contract with the management or owners of any hospital or sanatorium for the treatment of persons afflicted with tuberculosis and such hospital or sanatorium shall have been approved by the State Committee of Public Health, as provided in the preceding section, it shall be the duty of the county health officer, or other legally designated authority on the first day of each month to report to the State Health Officer the number of patients treated at any such sanatorium or county, with such detailed information as said health officer may require, such reports shall show specifically the number of patients treated, any compensation paid by the county therefor, and the aggregate number of days of such treatment. Such reports shall be verified by the officer or officers making the

same. Upon receipt and approval of such report by the State Health Officer, it shall be the duty of the latter official to certify to the State Auditor that the county in question has caused to be treated, without compensation to it, patients for an aggregate specified number of days based upon said report which report shall have been approved by the Governor. There upon the State Auditor shall draw his warrant on the State Treasury in favor of the county treasurer of such county for such amount as will constitute compensation for such patients on the basis of one dollar per day each, it being the intent hereof that the State shall contribute towards the cost of maintaining and treating such patients the sum of one dollar for each day of such care and treatment.

Section 15. There is hereby appropriated from the State Treasury an amount sufficient to make the payments necessary arising under the terms of this act in an amount not to exceed $50,000 for the first year; $75,000 for the second year; $100,000 for the third year and $150,000 for the fourth year; and thereafter a continuing sum of $150,000, or so much thereof as may be necessary annually appropriated in order to put into effect the purpose of this act. Provided, however, that said appropriations on the part of the State shall be available when, in the opinion of the Governor, the treasury permits.

Section 16. All laws or parts of laws in conflict with this act are hereby repealed.

Section 17. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved July 10, 1931.

No. 384) (S. 379—Hubbard.

AN ACT

To amend Section 213, Article IX of the Alabama School Code of 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 213, Article IX of the Alabama School Code of 1927, be amended so as to read as follows: "213. LOANS MAY BE SECURED TO PAY CURRENT EXPENSES:—The City Board of Education shall have authority upon the recommendation of the City Superintendent of Schools, to borrow money on the credit of the school fund of the City to meet salaries of teachers and current expenses, when the current funds on hand are not sufficient to meet the same, and as security therefor, to pledge the current revenues of the current school year. It shall be the duty of the City Board of Education and the City Superintendent of Schools to secure such loan, if practicable, when the current

funds on hand are not sufficient promptly to pay teachers' salaries and current expenses. All such current loans, except such as are based on District or other local tax proceeds, shall be payable and paid not later than January 1 next after the end of the current school year in which such current loans are made, and from the funds accruing for the support of the schools within such given school year. Provided, however, that the City Board of Education may borrow money for said purposes and pledge as security therefor, issued State Warrants, and any such loan may be made to mature either during the school year in which it is negotiated, or after the expiration of such school year, at the discretion of the City Board of Education. The amount so borrowed shall at no time exceed one-third of the sum paid out for current expenses during the preceding school year, including teachers' salaries."

Section 2. All laws and parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed.

Approved July 15, 1931.

No. 385) (H. 149—Sossaman

AN ACT

To amend an Act entitled "An Act for the employment, discharge and compensation of Road Patrolmen in all Counties in the State of Alabama, having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal Census and to define their duties," approved September 24th, 1923, and to provide for the payment of compensation of such Patrolmen out of the County Treasury and the priority of claims for such compensation.

Be it Enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act to provide for the employment, discharge and compensation of Road Patrolmen in all Counties of the State of Alabama having a population of not less than 92,500 nor more than 150,000 according to the last or any subsequent Federal Census and to define their duties," approved September 24th, 1923, be, and the same is hereby amended so as to read as follows: "Section 1. That in all Counties of the State of Alabama having a population of not less than 105,000 nor more than 300,000 according to the last or any subsequent Federal Census, the Sheriff is hereby given authority to appoint as many patrolmen as he may deem necessary, not to exceed three, to patrol the public highways of said County for the purpose of enforcing the Motor Vehicle and all laws on the Statute Books relating to the operation of automobiles and motor vehicles on the Public Highways of such Counties and all traffic laws on the Statute Books of the State of Alabama. The said patrolmen so appointed shall be vested with the authorities and duties of Deputies Sheriff.

Section 2. The salaries of such patrolmen shall be one hundred and fifty ($150.00) dollars per month, for each patrolman, such salaries to be paid by the County out of the general funds of said County, and such salaries shall be preferred claims against said County and shall be given the same priority as claims for compensation of the members of the Court of County Commissioners or Boards of Revenue.

Section 3. All patrolmen appointed and employed under the provisions of this Act shall hold office at the will of the Sheriff so appointing them, but not beyond the expiration of the terms of such Sheriff, and during their tenure of office they shall be vested with all the powers and authority of a Deputy Sheriff.

Section 4. The Board of County Commissioners, Board of Revenue and Road Commissioners, or like body, in all of such Counties is hereby directed and authorized to purchase such automobile and other equipment, including supplies, such as gasoline, oils, greases, tools, and other apparatus necessary in the operation and maintenance of such automobiles or other equipment as may be requisitioned by the Sheriff for the use of the patrolmen appointed and employed under the provisions of this Act, and to keep said automobiles and other equipment in proper repair.

Section 5. Be it further enacted by the Legislature of Alabama that all laws, and parts of laws, general, local, private and special, in conflict with the provisions of this Act be, and the same hereby are repealed.

Section 6. This Act shall take effect from and after its passage and approval by the Governor."

Became a Law July 17, 1931 under Section 125 of the Constitution.

No. 386) (H. 172—Morrow.

AN ACT

To further define the powers and duties of Jury Boards in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census, to fix the compensation of the members thereof and to provide for the preparation of Jury Rolls and the filling of Jury Boxes; and to provide for the method of serving notice of the requirement of the attendance for jury service.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census that the members of the jury boards of such counties shall each receive the sum of $50.00 per month, payable out of the County Treasury of such county.

Section 2. That the Jury Boards in such counties may employ such clerical or other assistants and incur such other expense as may be needful and necessary for the proper discharge of the duties of their office, the expense of which shall be a proper charge against the County Treasury. The County Commissions or other like governing body in such counties shall fix the number and compensation of the clerks employed in the office of the Jury Boards and the appointment of such clerks shall be subject to the approval of the Commission. Every clerk performing duties relative to the preparation of jury rolls shall before entering upon the discharge of his duties take and subscribe to the oath of office prescribed by the Constitution and file the same for record in the office of the Probate Judge of the county.

Section 3. Any member of a Jury Board or Clerk thereof who neglects to perform any duty imposed upon him by this Act or any person who being duly summoned to attend before the Jury Board, wilfully fails to do so, or attending, refuses to testify is guilty of a misdemeanor.

Section 4. The Jury Board shall, obtain as nearly as practicable the name of every male citizen over the age of twenty-one (21) and under the age of sixty-five (65) years together with their occupation and place of residence and place of business.

Section 5. The Jury Board shall meet in the Court House of such counties and make in a well bound book a roll, carrying so far as is practicable, the name of every male citizen living in the county who possesses the qualifications herein prescribed and who is not exempted by law from serving on juries. The roll shall be arranged alphabetically and by precincts in their numerical order and the jury roll, to take the testimony of witnesses, to require the production of any books, papers or documents and generally to do and perform whatever Acts necessary to establish to their satisfaction that the said jury roll conforms to all legal requirements. The Jury Board shall have performed the duties required of it by law when they shall have prepared a jury roll otherwise in compliance with law consisting of the names of qualified jurors in number equal to at least six per cent of the population of said county in accordance with the last Federal census.

Section 6. The Jury Board is charged with the duty of seeing that the name of every person possessing the qualifications prescribed by this Act to serve as a juror and not exempted by law from jury duty, is placed on the jury roll and in the Jury Box and they may summon and cause to attend before them any person within the county and examine him on oath touching such name, residence, occupation and qualifications of any person residing in the county. The Jury Board must not allow initials only to be used for the juror's name, but one full Christian name or given name shall in every case be used and in case there are two or more

persons of the same or similar name, the name by which he is commonly distinguished from the other person of the same or similar name shall also be entered as well as his true name. The Jury Board shall require the clerk of the Board to scan the registration list, the lists returned to the Tax Assessor, any city directory, telephone directory and any and every other source of information from which he may obtain information, and to visit every precinct at least once a year to enable the Jury Board to properly perform the duties required of it by this Act.

Section 7. Whenever it shall appear to the Judge of the Circuit Court or court of like jurisdiction that the Jury Box is so nearly exhausted as to require refilling, he shall notify the Jury Board and the said Board shall thereupon proceed to refull the Box as herein provided.

Section 8. The Jury Box now in use in such counties shall continue to be used until the first day of September, 1931, at which time the Jury Board shall proceed to refill said Box in the manner prescribed herein and that when so refilled that the same shall continue in use and the same shall not be again refulled except as provided by Section Six of this Act.

Section 9. That all notices of the requirement of the attendance of jury service shall be served by registered mail and it shall be the duty of the Sheriff in all such counties to enclose the summons in an envelope addressed to the person to be served and place all necessary postage thereon and demand a return receipt. That when a return receipt signed by the addressee is returned to the Sheriff by the Post Office Department of the United States the Sheriff shall thereupon mark the process executed and it shall be considered for all purposes as sufficient personal and legal service. In the event said jury summons so mailed should be returned to the Sheriff by the Post Office Department of the United States without delivery to the addressee then the Sheriff shall immediately make every effort to personally serve said summons. This Section, however, shall not apply to Jury Summons returnable before the Court instanter but such summonses shall be personally served by the Sheriff or his deputy.

Section 10. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved July 15, 1931.

No. 387) (H. 211—Harrison

AN ACT

To amend an act entitled, "An Act to amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12, and add Section 12½ thereto, of an act entitled 'An Act imposing an excise tax on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling, or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violations of any of the provisions of this act, approved Feb. 10, 1923.'" Approved August 27, 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 9 of an act entitled "an act to amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12, and add Section 12½ thereto, of an act entitled, 'an act imposing an excise tax on persons, corporations, copartnerships companies, agencies or associations engaged in the business of selling, or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violations of any of the provisions of this act, approved Feb. 10, 1923'", Approved August 27, 1927, be and the same is hereby amended so as to read as follows: Section 9. That Section 8 of the above mentioned Act, approved February 10, 1923, shall be made to read as follows: The proceeds of the excise tax prescribed in this Act shall, when collected be paid into the State Treasury, and placed to the credit of the sixty-seven counties of the State, and shall be divided and distributed equally among the sixty-seven counties of this State and paid to each of the several counties as provided by law. Provided, however, that all the funds derived by the several counties from said tax shall be expended exclusively for the maintenance, or construction or repair of roads or highways or bridges in said county. The use or expenditure of any of said funds in any other manner or for any other purpose than as provided herein, by the governing body of any county or any individual member of said body shall constitute a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, and by imprisonment in the county jail at hard labor for the county for not less than one nor more than twelve months. The State Highway Commission, shall have the authority to inspect the work upon which such funds are expended, and if in the judgment of the State Highway Commission, it appears that such funds are not being expended profitably or correctly, the State Highway Commission, shall report the matter to the Chief Examiner of Public Accounts. The Chief Examiner of Public Accounts is hereby especially charged with the duty of examining into and determining each year, whether or not said funds have been used or

expended as herein provided. Whenever said Examiner of Public Accounts discovers a violation of any provisions of this section he shall forthwith report same to the Attorney General whose duty it shall be to direct the prosecution of said offense.

Section 2. That the acts or actions of County Courts of Commissioners or Boards of Revenue or other county governing bodies, in paying out or expending gasoline tax monies, before the passage of this Act, under or by authority of the gasoline excise tax act, said act having been approved Feb. 10, 1923 and found at page 36 of the General Acts of the Legislature of Alabama of 1923, or expended under or by authority of an act of the Legislature of Alabama approved August 27, 1927 and found at page 326 of the General Acts of the Legislature of Alabama of 1927 and expended or paid out for the purpose of maintaining or repairing or constructing highways or roads or bridges in the county in which said monies may have been expended, are hereby validated, and after the passage of this Act no question shall be raised as to the validity or legality of such expenditures.

Section 3. All general laws and parts of general laws in conflict with this act are hereby repealed.

Section 4. This act shall go into effect immediately upon its approval by the Governor.

Section 5. If any section, clause, provision or portion of this Act shall be held to be invalid, or unconstitutional, by any Court of competent jurisdiction, such holding shall not affect any other Section, clause, provision or portion of this Act, which is not itself unconstitutional.

Approved July 15, 1931.

No. 389) (H. 416—Morrow

AN ACT

To amend Section 7 of an act entitled "An Act to empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for, regulate, and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between building, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, and the power, jurisdiction and authority thereof; to provide for a board of Zoning Adjustment and define the authority, powers and functions of such Board of Zoning Adjustment, its procedure and an appeal from its decisions; and

to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act;" approved September 26, 1923.

Be it Enacted by the Legislature of Alabama:

1. That Section 7 of an Act entitled "An Act to empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for, regulate, and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between building, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, the power, jurisdiction and authority thereof; to provide for a board of Zoning Adjustment and define the authority, powers and functions of such Board of Zoning Adjustment, its procedure and an appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act" be, and the same is hereby amended to read as follows: Section 7. BOARD OF ADJUSTMENT. In the event any municipality avails itself of the powers conferred by this Act, its legislative body shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of this Act shall provide that the said Board of Adjustment shall in appropriate cases and subject to appropriate conditions and safe guards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent, and in accordance with general or specific rules therein contained. The Board of Adjustment shall consist of three members, each to be appointed by the governing body of such city, and shall hold office, and be removable at the will and pleasure of the governing body of such city. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which

shall be immediately filed in the office of the Board and shall be a public record. Appeals to the Board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. The Board of Adjustment shall have the following powers: (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Act or of any ordinance adopted pursuant thereof. (2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance. (3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. In exercising the above mentioned power such Board may, in conformity with the provisions of this Act, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of two members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant or any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance. The Board of Adjustment shall not be

required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Approved July 15, 1931.

No. 391) (H. 565—Tidwell

AN ACT

To authorize and provide for the reimbursement of Woolsey Finnell, Estate of Henry J. Law, deceased, John S. Turner, H. D. Burnum, and A. W. McWhorter, for all monies paid or to be paid by them, or either of them or by any person for them, in satisfaction of a judgment rendered against them in the Circuit Court of Limestone County, Alabama, on April 1, 1929, as compensation for lands taken or damaged in construction of embankment under Federal Aid Project No. 157, Limestone County, Alabama, in a cause therein pending, wherein F. E. Pitts was plaintiff and Woolsey Finnell, et al were defendants, and which judgment was affirmed by the Supreme Court of Alabama on October 30, 1930, also for all court costs and all reasonable costs and expenses incurred by them in the defense of said cause as may be approved by the Attorney General of the State of Alabama, said amounts to be paid from funds of the State Highway Department.

WHEREAS, on June 15, 1926, the State of Alabama, by W. A. McCalla, as State Highway Engineer, John A. Rogers, Langdon G. Smith and R. P. Byrd as Highway Commissioners, and William W. Brandon, as Governor of the State of Alabama, made and entered into a contract with McWhorter & Gilbert, as contractors, for the construction of a road in Limestone County, Alabama, known as Project No.F.A.P.157; and

WHEREAS, said contract was pursuant to plans and specifications drawn and prepared by the Highway Department of Alabama, submitted to and approved by H. G. Wells, Highway Engineer, for the Federal Government; and

WHEREAS, Henry J. Law and John S. Turner went into office as Highway Commissioners of Alabama on the 17th day of January, and Woolsey Finnell as Highway Director of Alabama on the 1st day of February, in the year 1927, and H. D. Burnum was at said time Division Engineer of the Highway Department, and all continued in office during the times complained of in the complaint of F. E. Pitts; and

WHEREAS, on the 31st day of July, 1928, F. E. Pitts filed in the Circuit Court of Limestone County, Alabama, a suit against Woolsey Finnell, Henry J. Law and John S. Turner, as members of the State Highway Commission of Alabama, and H. D. Burnum

as an engineer employed by the Highway Commission of Alabama, and McWhorter & Gilbert, as contractors employed by the State Highway Commission for $7500.00 damages, later amending the amount claimed to $18,000 for damages alleged to have been sustained by plaintiff in the construction of a public highway in Limestone County, Alabama, known as Bee Line Highway, because of an embankment being thrown across a slough or stream which drained Beaver Lake, thereby alleging that the waters from Beaver Lake were diverted from their natural course and caused to flow over and upon lands of plaintiff submerging thirty acres or more, and permanently injuring and destroying the value of said thirty acres, together with the surrounding land consisting of one hundred and eighty-five acres, thereby damaging plaintiff's property without the payment to the said plaintiff of compensation for the taking of an injury to his land; and,

Whereas, said cause was tried in the Circuit Court of Limestone County, and on April 1, 1929, a verdict was returned in favor of the plaintiff, and against the several defendants, assessing damages against the defendants in the sum of $5,000.00, and a judgment of the court was rendered upon said verdict, ordering that the plaintiff have and recover of the defendants the sum of $5,000.00, besides the costs assessed in the cause; and

WHEREAS, an appeal was taken from said judgment to the Supreme Court of the State of Alabama, and the said Supreme Court of Alabama did, on to-wit, the 30th day of October, 1930, affirm the judgment of the lower court, and on January 29, 1931, did overrule application for rehearing filed in said cause by Woolsey Finnell, et als., thereby making the judgment final; and,

WHEREAS, the record in said cause shows that the defendants were free from negligence in the performance of said work and in the construction of said embankment, and performed said work in an ordinary careful and skillful manner, in good faith, for the State of Alabama in the construction of its public road, and that said defendants acted pursuant to their respective authorities, and in the carrying out of said contract, were the agents and representatives of the State, all of which is shown in the case of Finnell, et als. vs. Pitts, reported in 132 Southern Reporter, pages 2 et seq; and,

WHEREAS, said defendants are now indebted, by reason of said judgment, to the said F. E. Pitts in the sum of $6,444.51 and incurred costs to the offices of the Circuit Court of Limestone County, in the sum of $218.00, and to the Supreme Court of Alabama in the sum of $23.75, making a total of $6,686.26; and,

WHEREAS, the property of said plaintiff so taken in the construction of said road was essential for the construction of said

public road, and was taken for the use and benefit of the State of Alabama, and the said State of Alabama has not made nor paid compensation therefor; Now Therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That the Attorney General of the State of Alabama be, and he is hereby directed and appointed to ascertain and make report as to the amount of judgment, interest, costs and expenses incurred by the persons named in the preamble hereto, by and through the suit of F. E. Pitts, as plaintiff, against Woolsey Finnell, Estate of Henry J. Law, deceased, John S. Turner, H. D. Burnum and A. W. McWhorter, as defendants, described in the preamble hereto, and the amount of judgment, interest, costs and expenses paid by said defendants, or either of them, or by anyone for said defendants, or either of them, in satisfaction of said judgment, with interest, and costs, or in satisfaction of any expenses incurred and referred to in the preamble to this act; and upon ascertaining the facts relating thereto, to make report of his findings in writing to the State Highway Department of Alabama.

Section 2. That if upon the investigation thereof the Attorney General finds that the parties defendant, hereinabove referred to, have incurred liability because of any judgment, costs, or expenses as the result of said suit, that said Highway Department be, and is hereby authorized and directed to pay to said defendants, or either of them, any and all amounts which the said Attorney General reports as having been actually paid out and expended by them in connection with said litigation, or actually paid out by any surety for them because of the judgment, interest and costs, together with expenses of the litigation in connection with said suit in Limestone County, Alabama, wherein F. E. Pitts recovered judgment against the said defendants for damages as compensation for land injured in the construction of a public highway in the State of Alabama known as the Bee Line Highway, located in Limestone County, Alabama.

Section 3. That the said Highway Department, or the proper authorities thereof, are hereby authorized to prepare and present voucher to the State Auditor for any amounts herein provided for, which voucher shall show to whom and for what purpose the amounts are respectively to be paid, and the State Auditor is authorized and directed to draw his warrant on the Treasurer of the State of Alabama to pay same out of any highway moneys in the State treasury; provided that all amounts payable under the provisions of this act shall not exceed the sum of $7500.00 including judgment, interest, costs, and all expenses of the litigation.

Approved July 15, 1931.

No. 392) (H. 566—Goodwyn

AN ACT

To provide for the relief of the city of Montgomery, Alabama, for moneys paid by it and for moneys to be paid by it for the improvement by paving of certain streets or avenues of the city of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama, and to appropriate for such relief the sum of Twenty-two Thousand Seven Hundred Twenty-one and thirty-nine one hundredth Dollars.

WHEREAS, the city of Montgomery, Alabama, has paid and is legally liable to pay sums of money aggregating Twenty-two Thousand Seven Hundred Twenty-one and thirty-nine one hundredths ($22,721.39) Dollars, for the improvement by paving of certain streets or avenues of the City of Montgomery, Alabama, upon which said streets or avenues real estate belonging to the State of Alabama abuts; and,

WHEREAS, said improvement has inured to the benefit of the State of Alabama by increasing the value of its said real estate, and if said real estate was not owned by the State of Alabama it would be liable for said payments; and,

WHEREAS, there is no provision whereby the City of Montgomery, Alabama, is entitled to be paid or reimbursed for said sum of money;

Be it Enacted by the Legislature of Alabama:

Section 1. That the City of Montgomery, Alabama, is entitled to relief for moneys paid by it and for moneys to be paid by it aggregating Twenty-two Thousand Seven Hundred Twenty-one and thirty-nine one-hundredths ($22,721.39) Dollars, for the improvement by paving of certain streets or avenues of the City of Montgomery, Alabama, upon which streets or avenues real estate of the State of Alabama abuts and for which payments said real estate would be liable if not owned by the State of Alabama.

Section 2. There is hereby appropriated out of the general treasury of the State of Alabama the sum of Twenty-two Thousand Seven Hundred Twenty-one and thirty-nine one-hundredths ($22,721.39) Dollars to be paid to the City of Montgomery, Alabama, for its relief as set forth in Section 1 of this Act.

Section 3. The moneys appropriated by Section 2 of this act shall be paid to the City of Montgomery, Alabama, on a warrant drawn by the State Auditor on the Treasury of the State of Alabama.

Section 4. This act shall become effective on the date of its approval by the Governor.

Approved July 16, 1931.

No. 394) (H. 698—Taylor.

AN ACT

To provide that all counties in the State of Alabama, having a population of One Hundred Five Thousand (105,000) and not more than Three Hundred Thousand (300,000) according to the last Federal Census or any succeeding Federal Census through the Board of Revenue and Road Commissioners or other governing body shall purchase a standard line of text books from the first to the sixth grades inclusive, to be used in the schools of such counties by all children who attend schools and come within said grades. To provide that the Superintendent of Education of such counties shall make an estimate as to the supply of books necessary and make out a request for such books and to provide for the governing body of such county to levy and collect a gasoline or motor fuel tax to pay for such books and to provide for the distribution of such books and to provide that parents, guardians or custodians of such children using such books shall be responsible and return such books to the Superintendent of Education at the end of the school year. That said text books shall be Selected by said Board of Revenue with the approval of Superintendent of Education of such County, and to provide for the appointment of a gasoline collector, fix his compensation and define his duties, and for the distribution of any funds derived under this Act for the payment of the school text books herein provided for.

Be it Enacted by the Legislature of Alabama:

Section 1. That all counties in the State of Alabama having a population of One Hundred Five Thousand (105,000) and not more than Three Hundred Thousand (300,000) according to the last or any subsequent Federal Census through the Board of Revenue and Road Commissioners or other governing body of such county shall purchase a standard line of text books from the first to the sixth grades inclusive to be used in the schools of such counties by all children who attend school and come within said grades.

Section 2. Such counties are hereby authorized and required to levy a gasoline tax of one cent per gallon on all gasoline. (a) The word "gasoline" shall be construed to mean gasoline, naptha and other liquid motor fuels or oils or any devices or substitutes therefor commonly used in internal combustion of engines, provided, that nothing contained in this Act shall apply to those products commonly known as kerosene used for lighting and heating purposes. (b) The word "person" shall be construed to mean and includes each person, firm or corporation, co-partnership, company, agency or association singular or plural. (c) The term "distributor" shall include any person, firm or corporation, who shall engage in the selling of gasoline as herein defined by wholesale domestic trade but shall not apply to any transaction by such distributor in interstate commerce. (d) The term "retail dealer" shall include every person herein defined as distributor who is also engaged in the sale of gasoline as herein defined at any place in this state in broken quantities. (e) The term "storer" as herein used shall include every person who ships gasoline into this state in tank quantities

and stores the same and withdraws or uses same for any purpose. The governing board of such county shall require every distributor, retail dealer or storer of gasoline as herein defined to pay an excise tax of one cent per gallon in addition to all other excise tax now imposed by law upon the selling, distributing or withdrawing from storage for any use gasoline herein defined in such counties.

Section 3. Said funds from such gasoline tax shall be collected by the Board of Revenue and Road Commissioners of such counties or other governing body by whatever name called and shall be paid into the county treasury of such county and so much of said funds as may be necessary shall be used for the purpose of purchasing text books for the children of such counties as herein defined.

Section 4. The Superintendent of Education of such county shall make an estimate not later than July 1st each year in writing as to the necessary number of text books of such grades for all the children who come within the grades from the first to the sixth inclusive in such counties and deliver such estimate to the governing board of such counties and on receipt of same such governing board shall purchase out of the funds derived from the one cent gasoline tax herein provided for a line of school text books sufficient for all the children in such counties, Provided, that if there is not sufficient funds in the county treasury derived from said one cent gasoline tax that said Board of Revenue and Road Commissioners or other governing board of such counties shall purchase a line of text books beginning at the first on up to the sixth grade to the extent of the funds derived from the gasoline tax herein provided and when ample funds are derived from said source or revenue in any one year that said county shall purchase the text books from the first to the sixth grades inclusive.

Section 5. The Board of Revenue and Road Commissioners of such county shall purchase a line of text books for all the school children in such county within the grades provided for herein and the selection to be made by the Board of Revenue with the approval of the Superintendent of Education of such counties and delivered by the Board of Revenue and Road Commissioners to the Superintendent of Education for his distribution to such children within said grades. The Superintendent of Education of such counties shall on delivering a set of text books to any child require a receipt to be signed by the parent, guardian or custodian of such child evidencing the fact that possession of the books for a certain term or part of a term of school has been delivered to the parent, guardian or custodian or such child for its use. The title of such books shall remain in such counties and at the end of the school term the parent, guardian or custodian must return the text book evidenced by the receipt to the Superintendent of Education. The parent, guardian, or custodian must see that the proper care is taken of such book that is in the possession of any child that may

be under the control of such parent, guardian or custodian. The Principal of any school when satisfied that the improper care of text books in the possession of any child or its parent, guardian or custodian may require the books to be delivered to him and in that event the Superintendent of Education may refuse another set of text books for that term of school. The Superintendent of Education may in his discretion require the Principal of all Schools in such county to aid him in the distribution of the text books herein provided for.

Section 6. The Sheriff of such county shall appoint a gasoline collector whose term of office shall be from the date of his appointment to the nineteenth of January, 1935, and who shall receive a salary of not less than $150.00 nor more than $200.00 per month to be fixed by the Sheriff of such county. The duties of the gasoline collector shall be to collect the tax herein provided for and deliver the same to the county treasurer of such county. The gasoline tax collector shall be paid by the county treasurer on the certificate of the Sheriff appointing him. Such certificate shall be made monthly by the Sheriff to the treasurer and on receipt of same the treasurer shall draw a warrant on such county for such sum as requested in the certificate and provided for in this Act and to be paid out of the revenue derived under this Act. Such county shall furnish the gasoline tax collector necessary conveyance or automobile and pay the necessary expenses for operating said automobile while in the discharge of his duties as such.

Section 7. If the funds derived from the one cent per gallon gasoline tax should be more than sufficient to defray the expenses of purchasing school text books as herein provided any balance shall be paid into the highway fund of such county to be used as highway funds for the benefit of such county in the discretion of the governing board of such county.

Section 8. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 9. This Act shall take effect upon its passage.

Became a Law under Section 125 of the Constitution, July 17, 1931.

No. 398) (H. 996—Taylor

AN ACT

To authorize and require the governing bodies of all counties in the State of Alabama having a population, according to the last or any subsequent Federal Census, of not less than 110,000, to purchase lease or acquire by eminent domain proceedings or otherwise any and/or all toll bridges located wholly within any such county, or partly within such county and partly within an adjoining county, and now or hereafter forming a part of, or forming a connection between, one or more portions of any state

or Federal highway or highways, and to prescribe the powers and duties of the governing bodies of all such counties with respect to such bridges; to provide for the raising of necessary funds for such purposes and to authorize the issuance by all such counties of notes and/or bonds for such purpose, which notes or bonds shall not be general obligations of such counties and shall be payable only out of the tolls collected from the operation of any such bridge; and to provide for and regulate the holding of elections by the qualified voters of such counties to authorize the issuance of such bonds, and ascertaining and declaring the results of such elections, and regulating the sale or other issue of such bonds and the use of the proceeds of such sale; to authorize the governing bodies of all such counties to execute mortgages upon such bridges so acquired by any such county, for the purpose of securing such notes or bonds; to prescribe the rights and powers of the purchasers of any bonds issued for such purposes; to authorize the governing bodies of all such counties to maintain and operate any such bridge so purchased, leased or otherwise acquired, and to operate same for toll until the cost of purchase or other acquisition and maintenance shall have been paid or the bonds or notes issued in respect thereof have been paid or retired; and to authorize the governing bodies of all such counties to apply to the payment in whole or in part of the expenses of maintenance and operation of any such bridge so acquired and/or to the payment in whole or in part of the principal and/or interest of any notes or bonds issued under the provisions of this Act, any portion of the general funds, or road and bridge funds, or the funds of such county not otherwise specifically pledged or designated by law to any other specific purpose, and to authorize the governing bodies of all such counties to sell or lease or release to the State of Alabama any such bridge so acquired by any such county; and repealing all Acts, general or special, in conflict therewith.

Be it Enacted by the Legislature of Alabama:

Section 1. That the governing bodies of all counties in the State of Alabama which may now have or which may hereafter have a population of not less than 110,000 according to the last or any subsequent Federal Census, are hereby authorized and empowered: (a) To purchase or acquire by eminent domain proceedings or otherwise, any and all toll bridges in all such counties, located wholly within any such county, or partly within such county and partly in an adjoining county, and now or hereafter forming a part of, or forming a connection between, one or more portions of any state or Federal highway or highways. (b) To acquire, hold, purchase, receive by bequest or devise, or acquire by eminent domain proceedings or otherwise, all such real, personal and mixed property as may be necessary or convenient for the operation and maintenance of such bridge or bridges: (c) To exercise the right of eminent domain for the purpose of carrying out the purposes of this Act or exercising any of the powers herein contained, including the taking of property or any interest or rights therein connected with any such bridge or bridges of any public, political or municipal corporation: (d) To make or cause to be made by competent bridge engineers an appraisal of such bridge or bridges and an audit of the books of the person, firm or corporation owning such bridge or bridges before purchasing such bridge or bridges;

(e) to issue notes and, (when first authorized as hereinafter provided by a majority vote by ballot of the qualified voters of such county acting upon such proposition), to issue bonds, as provided in this Act, and to mortgage, pledge or otherwise transfer all real, personal and mixed property acquired by such county under the provisions of this Act, to secure the payment of such notes, or bonds, but such notes, or bonds shall not be the general obligation of such county nor shall such county be in any way liable in case of default in the payment of the principal thereof or the interest thereon; (f) To maintain and operate such bridge or bridges and to charge and collect tolls for the use thereof;

Section 1½. The governing bodies of all such counties in the State of Alabama which may now have or which may hereafter have a population of not less than 110,000 according to the last or any subsequent federal census, are hereby authorized and empowered to lease or acquire, by purchase, eminent domain proceedings or otherwise, and to own, maintain and operate any and all toll bridges wholly or partly within any such county which now or hereafter forms a part of, or a connection between, one or more portions of any State or Federal highway or highways, and if any such bridge is located partly in any such county and partly in an adjoining county, such county which now has a population of not less than 110,000, according to the last or any subsequent federal census, may lease or acquire, by purchase, eminent domain proceedings or otherwise, and own, maintain and operate not only the portion of such bridge located in such county having such population, but also the portion of such bridge located in such adjoining county, and may operate the entire bridge as a toll bridge and collect tolls for the use thereof.

Section 2. For the purpose of providing means for the lease, purchase, or acquiring by eminent domain proceedings, of such bridge or bridges any such county is hereby authorized to execute notes of such county or, (when first authorized as hereinafter provided by a majority vote by ballot of the qualified voters of such county voting upon such proposition) to execute bonds of such county signed by the chairman of such governing body (or other member of such body designated for that purpose by resolution of such body) and attested by the secretary or clerk of such body (or some other person designated for such purpose by resolutions of such body). Such notes, or bonds shall be issued in such amount as may be deemed by such governing body to be sufficient for such purpose. In order to secure such notes, or bonds, such governing body is authorized to mortgage or pledge any bridge or bridges acquired through the execution and issuance of such notes, or bonds, and the tolls collected from such bridge or bridges for such time and upon such terms and conditions as such governing body may deem proper and not inconsistent with this Act. "Such notes,

or bonds shall not be the general obligation of such county, nor shall such county be in any way liable in case of default in the payment of the principal thereof or the interest thereon, but shall be payable only out of the tolls collected from the operation of such bridge as a toll bridge or the sale thereof, in the event of default in the payment of the principal or interest on such notes, or bonds. The tolls collected from each bridge shall be kept in a separate fund by the county treasurer and is hereby specially pledged for the payment and retirement of the notes, bonds and mortgages herein authorized, principal and interest, as the same become due, until the whole thereof shall be paid. The notes, or bonds herein authorized shall be payable in lawful monies of the United States and shall be in such form and denominations and be payable at such times and places as the governing body of such county may determine, and shall be free from tax of all kinds in the State of Alabama. Such notes or bonds shall be negotiated on the best terms obtainable by the governing body of such county and shall be sold at a net interest cost to the county not exceeding six percent per annum, such interest cost to be determined by standard bond value tables, but they may be exchanged for outstanding bonds or other indebtedness of the person, firm or corporation then at that time owning such bridge or bridges or for the bridge property or properties of any such person, firm or corporation upon such terms and upon such basis as the governing body of such county may determine. Such bonds shall bear interest at not to exceed six percent per annum, payable quarterly, semi-annually or annually, as the governing body of such county may determine, and may be renewed or refunded from time to time and shall be made to mature at such times and in such amounts as that they may conveniently be retired out of the funds herein specially pledged for their payment, but not more than thirty years from the date of issue.

Section 3. The governing body of any such county may at any meeting of such body adopt a resolution calling an election of the qualified voters of such county for the purpose of submitting to such qualified voters the question as to whether bonds of such county of the character authorized by this Act shall be issued under the provisions of this Act. Such resolution shall state the purpose for which such bonds are to be issued, the bridge or bridges to be purchased or acquired through the issuance of such bonds, the maximum amount of bonds so to be issued, the maximum rate of interest which such bonds shall bear, and the maximum period within which such bonds shall mature, which shall not be more than thirty years from date of issue of such bonds. Such resolution shall also contain such other matter as the governing body of such county may decide to incorporate therein. Such resolution shall fix the date of the holding of such election, which shall not be

less than forty-five days nor more than sixty days from the date of the passage of such resolution.

Section 4. Notice of such election shall be given for thirty days by publication in a newspaper published in such county once a week for three successive weeks, which notice shall state the purpose for which the election is to be held, the time and place of holding the same, and shall embody a copy of the resolution provided for in Section 3 hereof. Said notice of election shall be signed by the chairman of the governing body of such county or some member of such governing body designated for that purpose by resolution of such governing body, or by the judge of probate of such county.

Section 5. The ballot used at such election must be prepared under the direction of the probate judge of such county and shall be substantially in the following form:

"Official Ballot of Election to be held on the _____day of_____, 19____, to submit to the qualified electors of the county of_____ _____whether or not the county shall issue bonds in the amount of $_____ for the purpose of providing means for the purchase or condemnation of the following described bridges (here describe bridge"

The issuance of $_____ face amount of bonds for the purpose of providing means for the purchase or condemnation of the following described bridge (here describe bridge), which bonds shall not be the general obligation of said county nor shall said county be in any way liable in case of default in the payment of the principal of or interest on said bonds,

_____For

but said bonds shall be payable only out of the tolls collected from the operation of said bridge as a toll bridge, or a sale thereof in the event of a default in the payment of principal thereof or interest thereon; said bonds to bear interest at the rate of not exceeding six percent per annum, said bonds to mature serially in installments, the last installment to be payable not later than (here state date of last installment).

The issuance of $_____ face amount of bonds for the purpose of providing means for the purchase or condemnation of the following described bridge (here describe bridge), which bonds shall not be the general obligation of said county nor shall said county be

in any way liable in case of default in the payment of the principal of or interest on said bonds,
———Against but said bonds shall be payable only out of the tolls collected from the operation of said bridge as a toll bridge, or a sale thereof in the event of a default in the payment of principal thereof or interest thereon; said bonds to bear interest at the rate of not exceeding six percent per annum, said bonds to mature serially in installments, the last installment to be payable not later than (here state date of last installment).

Section 6. The Chairman of the governing body of said county, or some other member of such body designated for that purpose by resolution of said body, immediately after the passage by said body of the resolution calling such election, shall notify the probate judge of said county of the calling of such election. The probate judge, clerk of the circuit court of said county, and the sheriff of said county, within ten days after the receipt of such notice, shall appoint three managers, two clerks and one returning officer to conduct the election in each beat or polling place in said county; and said managers shall all reside in the beats, wards or precincts where they are respectively appointed to serve, and shall be qualified electors at the date of said election.

Section 7. The Sheriff shall notify the managers, clerks, and returning officers of their appointments, and send out boxes and ballots to the several beats or polling precincts in the county.

Section 8. All expenses for holding such election shall be paid out of the treasury of said county; and the managers, clerks, and returning officers shall be entitled to the same compensation as managers, clerks, and returning officers of the general election.

Section 9. The Clerk of the Circuit Court, Probate Judge, and Sheriff of such county shall constitute a Board to canvass the returns and declare the results of such election. They shall meet at the court house of said county on the Saturday following the holding of said election and canvass the returns and declare the result of such election, and certify and return such results to the governing body of such county. In case either of the three should be absent, the remaining two shall act.

Section 10. The record of the result of such election, as returned by the Board of Canvassers, shall be recorded in the minutes of the governing body of said county, and, when so recorded, the record shall be conclusive evidence of the matters therein stated, and of the validity of such election, unless contested, as hereinafter provided.

Section 11. A contest of such election may be made by any qualified elector of the county by executing a bond with sufficient surety, to be approved by the judge of probate of said county, for

the payment of the costs of the contest. Notice of the contest shall be served on the circuit solicitor of said county, and said solicitor shall respond in the name of the county and the county shall be contestee. In all courts, said contest shall be a preferred case.

Section 12. No action shall be commenced to test the validity of any such election, or to attack the issuance of bonds pursuant to such election, unless the action be commenced within thirty days from the date of declaring the result of said election.

Section 13. If at any election held under and according to the provisions of this Act, a majority of the qualified voters of such county voting upon such proposition submitted at such election vote in favor of the issuance of such bonds, then the governing body of such county shall issue the bonds authorized by such favorable vote.

Section 14. The governing bodies of all such counties shall make an earnest endeavor to purchase all such bridge or bridges from the present owners thereof, freed from all bonds, mortgages, liens, debts and other liabilities and obligations whatsoever, at such prices and upon such terms as may seem just and proper to the governing body of such county; and in the event any one or more of such bridges is not so purchased upon such terms within twelve months from the date of the approval of this Act, the governing bodies of all such counties shall thereupon immediately institute eminent domain proceedings to acquire all such bridges not theretofore leased or acquired by the Alabama State Bridge Corporation. And as soon as the amount to be paid by such county is determined in such eminent domain proceedings the governing body of such county shall there upon immediately adopt resolutions of the nature provided for in Section 3 of this Act, calling an election of the qualified voters of such county for the purpose of submitting to such qualified voters the question as to whether bonds of such county of the character authorized by this Act shall be issued under the provisions of this Act in a designated amount, which designated amount shall be sufficient to pay the fees, costs and expenses of such eminent domain proceedings, and any judgment rendered thereon, or all allowance or allowances agreed upon by the governing body of such county. Thereupon an election shall be held as provided in Sections 4 to 12 both inclusive of this Act.

Section 15. The bonds and interest coupons attached to same, issued under the provisions or authority of this Act, shall be exempt from State, County and municipal taxation.

Section 16. No irregularity in the proceedings to authorize the issue of bonds under this Act, and no omission, or neglect of any officer charged with the execution of any duties imposed by this Act, shall affect the validity of any bonds issued under authority of this Act.

Section 17. Any bonds reciting that they are issued pursuant to the provisions of this Act, shall, in any action or proceeding involving their validity, be conclusively deemed to be fully authorized by this Act and to have been issued, sold, executed, and delivered in conformity herewith and with all other provisions of law applicable thereto, and shall be incontestable, anything herein or in other statutes to the contrary notwithstanding, unless such action or proceeding is begun before or within thirty days after the day upon which the bonds are delivered and paid for.

Section 18. All bonds issued under the provisions of this Act shall be signed by the Chairman of the governing body of said county, or such other member thereof as may be, by resolution of governing body, specially designated for that purpose, and shall have impressed thereon the seal of said county, if, by resolution of said governing body a special county seal has been adopted, and, if no special seal has been adopted by the county, then the seal of the Probate Court of said County may be adopted and used as the county seal. Interest coupons attached to the bonds shall bear a facsimile signature of the county treasurer. The delivery of bonds so executed shall be valid, not withstanding any changes in officers or in the seal of the county, occurring after the signing and sealing of the bonds.

Section 19. Where no provisions are otherwise made in this Act, the general election laws of the State then in existence, with regard to all notices, qualifications of voters, official acts, and things to be done in connection with ordering and holding elections, making returns, canvassing and certifying the same, shall govern; and all penalties fixed for wrongful acts and violations of the general election laws of the state shall apply to similar acts and violations in all elections held under this law.

Section 20. All bonds issued under the terms of this Act shall be negotiated on the best terms obtainable by the governing body of such county, at a net interest cost to the county not exceeding six per cent per annum, such interest cost to be determined by standard bond value tables, and may either be sold for cash, or exchanged for outstanding bonds or other indebtedness of the person, firm or corporation at that time owning such bridge or bridges, or for the property or properties of any such person, firm or corporation, upon such terms and upon such basis as the governing body of such county may determine.

Section 21. The proceeds of any notes or bonds sold under the provisions of this Act for cash shall be turned into the county treasury and shall be carried in a special bridge account, and shall be drawn upon solely for the purpose of purchasing such bridge or bridges and the costs, expenses and fees incident to such purchase.

Section 22. The governing body of any such county may require the county attorney to perform all legal services incident to

the performance of the duties and the exercise of the powers of such body under the terms of this Act, in which event said county attorney shall not receive or be paid any additional compensation for such services, nor shall his compensation be increased by reason thereof; but such governing body may, in its discretion employ special counsel for the performance of all, or any part of such legal services, and shall agree with such special counsel upon the amount of such compensation, which compensation, when so agreed upon, shall be paid by the county treasurer, upon warrants issued by authority of such governing body and signed by the Chairman thereof or other member designated for that purpose, which payment shall be made either out of the proceeds of the sale of the bonds, notes or warrants issued under authority of this Act, or out of the General Funds of such county.

Section 23. As soon as each bridge is so acquired by any county, the county so acquiring the same shall commence operation and maintenance of said bridge and shall arrange for and supervise the collection of tolls for the use of said bridge, which shall be at such rates as the county may fix; provided, however, that such rates shall be sufficient adequately to provide for operation and maintenance of and insurance upon such bridge, to meet interest payments on bonds issued in respect thereof and to retire such bonds at or before the maturity thereof. The toll rates shall be posted in a conspicuous place at each end of the bridge or its approaches and at the place of collecting the tolls. Commuter's tickets for those making frequent use of such bridge may be sold at reduced rates upon such terms and subject to such restrictions as may be approved by the governing body of such county. Such toll rates shall not be subject to regulation by the Alabama public Service Commission or any other State regulatory bodies.

Section 24. All toll keepers shall be appointed and may be removed by the governing body of such county so acquiring such bridge, and shall execute bonds for the faithful performance of their duties and for the due and proper accounting of all monies received by them, such bonds to be made to the county in such amounts and with such sureties as said governing body may prescribe and approve. The toll keeper shall keep such records and make accounting and settlement at such times and in such manner as said governing body may prescribe, and a statistical record showing the number of tolls paid at each bridge and the source of them, shall be kept by said governing body and on the tenth of each month the said governing body shall report and pay into the treasury of the county all of the funds so derived by it from each such bridge, and the county treasurer shall keep each fund in a separate "Special Toll Bridge Account."

Section 25. The funds in each Special Toll Bridge Account shall be available to the governing body of such county for the

operation and maintenance of such bridge, and the residue shall from time to time be applied and paid out by the county treasurer as directed by the governing body of such county for the payment of principal and interest on the notes and bonds hereinbefore authorized, and when all of such indebtedness shall have been repaid such bridge shall be immediately opened as a free bridge to the traveling public and shall thereafter be maintained as a part of the State Highway System.

Section 26. The governing body of such county shall at all times carry insurance covering such bridge or bridges and all other property connected therewith, which is of insurable nature, with a company or companies (mutual or otherwise) exchanges, associations, underwriter or underwriters, authorized to do business in the State of Alabama, against loss or damage by lightning, tornado, storm, earthquake, collapse, collision, explosion, tidal wave, water, riot, malicious damage and other casualty, to an amount not less than one-half its value, and, if obtainable on reasonable and usual terms, shall also, at all times carry use and occupation insurance covering said bridge to the amount of the usual aggregate tolls per day for one hundred days; and policies insuring such county so acquiring such bridge or bridges to the amount of One Hundred Thousand Dollars against liability for injuries and/or damage arising out of the maintenance and/or operation of such bridges. Premiums for such insurance shall be paid by the county treasury of such county out of the Special Toll Bridge Fund.

Section 27. In the sale of notes, bonds or mortgages herein authorized the governing body of such county shall have the right and power to agree with the trustee of such mortgages or the holder of such notes and bonds or the lender of the money, in default of the payment of principal and interest, either or both, and in the event of foreclosure, that the purchaser at the sale shall have the right to operate said bridge upon the rates of toll now being charged at such bridge for such length of time as may be necessary to repay the indebtedness existing at the time of such foreclosure, with interest thereon, at six percent, plus the expense of foreclosure, plus expense of operation and maintenance of said bridge until such debt is repaid.

Section 28. At any time prior to the purchase or acquisition of any such bridge, as hereinabove provided, the governing body of any such county may lease any such bridge from the owners thereof upon such terms and conditions as such governing body may deem proper, and as may be agreed upon with such owners, such lease to be in effect until such bridge is purchased or otherwise acquired by such county.

Section 29. The governing body of each such county is hereby given authority to contract with the State of Alabama and with the Alabama State Bridge Corporation for the sale or lease to said

State of any bridge acquired by it under the terms and provisions of this Act for such sum and upon such terms as may be agreed upon by the governing body of any such county and the Governor of Alabama and/or said State Bridge Corporation as the case may be. In the event of such sale the purchase price paid by the State or State Bridge Corporation shall be sufficient to pay the indebtedness of any bonds outstanding against the bridge so sold, and in the event of the lease of any such bridge, the annual lease payments shall be sufficient to pay the annual interest charged on the bonds issued against and indebtedness of the bridge covered by such lease and to provide for the payment of the principal of such indebtedness or bonds at maturity. In the event of such sale or lease to the State of Alabama such bridge or bridges shall thereafter be free to the public of all toll and the purchase price or lease hold payments shall be paid by the State from such funds as are available for such purpose.

Section 30. The governing body of any such county so acquiring any such bridge is hereby authorized in its discretion at any time and from time to time to apply any portion of the general funds of such county, or any portion of the road and bridge funds of any such county, or any other monies of any such county not otherwise specifically pledged or designated by law to any other specific purpose, to the payment in whole or in part, of the expense of operation and maintenance of any such bridge so purchased and/or to the payment of the principal, in whole or in part, and/or interest on any bonds issued under the provisions of this Act. But no such county shall be obligated, nor shall it obligate itself by contract or otherwise, to do so.

Section 31. Any record kept in pursuance of this Article or a copy of any such record, certified to be true by the legal custodian thereof, shall be received in evidence in all courts and shall be prima facie evidence of the facts therein recited or thereby shown.

Section 32. No member of such governing body of any such county shall draw any salary, in addition to that now authorized by law for his services, for any services rendered under the provisions of this Act.

Section 33. The words "Bridge," "Bridges," and "toll Bridges," wherever herein used, shall be construed as including a series of bridges, causeways and roadways, if any, and all approaches used and operated as a part of any toll bridge, and the words "governing body of such county" wherever herein used, shall include boards of revenue, road commissioners, courts of county commissioners and other like governing bodies of such counties now existing or hereafter created, having the powers of boards of revenue, road commissioners and courts of county commissioners.

Section 34. This Act shall take effect immediately.

Section 35. Should any provision of this Act be declared unconstitutional, it shall not affect the remaining part of this Act.

Section 36. All laws or parts of laws, general or special, in conflict with the provisions of this Act are hereby repealed.

Approved July 16, 1931.

No. 401) (H. 1032—Sossaman.

AN ACT

To create a Court of Domestic Relations in lieu of Juvenile Courts in all counties in the State of Alabama now having, or which may hereafter have, a population of not less than 105,000 nor more than 300,000, according to the last or any succeeding Federal Census, to provide for the election of Judges of said Courts and the appointment of clerks, bailiffs and probation officers, and to determine their qualifications, of each of said courts; to fix the salaries of each of said officers of said courts; to provide for the procedure of said courts; to define its powers and jurisdiction (and the terms of office of the Judges and the other officers of said courts;) to provide the qualifications of the Judge of said Court; to fix the salaries of the Judges of said Courts and to provide for the payment of the salaries of the Judge and the other officers of said courts out of the County Treasury of such counties where such courts are established; and to provide that all such salaries or fees herein shall be preferred claims against such County; to provide for the appointment of a special judge in cases of inability of the Judge to serve and to provide for his compensation and qualifications; to define the duties of said officers of said courts; to provide for the establishment of suitable quarters, including books, stationery and all necessary equipment for said court; to provide for the transportation of the probation officers in the discharge of their duties; to provide for the service of process, including warrants issued out of said courts by the Sheriff of said counties and the fees therefor; to provide fees for the detention of juvenile delinquents and dependents and neglected children; to provide for appeals from such courts; to provide that it shall be an offense for any person knowingly or wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote, or contribute to the conditions which render any child delinquent or dependent and to provide the punishment therefor; to provide that it shall be an offense for any person to fail to obey orders of such Court and to interfere with the custody of a child under the jurisdiction of said court, and to provide punishment therefor; to provide that it shall be an offense to remove or conceal any dependent, neglected or delinquent child, or interfere with the custody of such child, or interfere with the probation officer or make false statements to him and to provide the punishment therefor; to provide for the transfer of all cases now pending in any Juvenile Court in said Counties to the Court of Domestic Relations hereby created; to provide for the committment of juvenile delinquents to any family, association or institution as in the discretion of the Judge of said courts may be proper; to provide for the payment of the costs of such detention out of the County Treasury; to provide for the payment by cities and towns in which such courts are established one-half of the expense arising out of the operation of such courts and for the protection of such children against disqualification or prejudice in other courts of the State or Municipality on account of any judgment, sentence or order of said court; to provide that any confession, statement, declaration or admission, or silence or demeanor of said juveniles shall be competent and admissable evidence against said juveniles under the rules and regulations which

govern said juveniles in other courts; to further provide that the said courts shall have the jurisdiction, both civil and criminal, of a justice of the peace, and of Inferior Courts, both Civil and Criminal, in such counties where such courts are established; and to provide for appeals from said Court and demands for Jury trial, and for the issuing of warrants returnable to Inferior Criminal Courts; to provide for the payment of Sheriff's fees in all criminal and civil cases in said courts to the Sheriff for his service in and to said courts; to provide for the procedure of civil and criminal matters within the jurisdiction of a justice of the peace and/or Inferior Courts, both Civil and Criminal, in such counties. To provide for the issuance of warrants returnable to Inferior Criminal Courts and the collection of fees and allowances of officers of Courts of Domestic Relations by such courts to be paid to officers of Courts of Domestic Relations, and for the collections of fees and allowances by Inferior Criminal Courts for officers of Courts of Domestic Relations in insolvent convictions and nol prosse cases; to provide for the appointment of Judges of Courts of Domestic Relations when vacancies occur; and to provide for the repeal of all laws in conflict herewith. To provide for the schedule of fees, to be collected for services rendered by officers of such Courts and for services of Sheriff's in and to such Courts. To provide for the fees of the officers of such courts and for the Sheriffs of such counties and for the manner and method of collection of same; to provide for the suspension of payment of costs in certain cases by the judges of such courts; to provide that if any of the Provisions of this Act, or any section thereof shall be declared unconstitutional the remaining sections or provisions shall not be affected, but shall remain in full force and effect. To vest the said courts with the jurisdiction, power and authority to hear and determine all causes arising under Chapter One Hundred and Fifty Seven of the Code of 1923; to establish rules for the transaction of the business of said courts; to fix the time of hearing of causes within the jurisdiction of said courts; to provide for the appointment of a Supervisor of Probation, the term of said office, and the compensation thereof; to provide for the issuance of warrants out of said courts returnable to Inferior Criminal or Inferior Civil Courts of said counties, the trials of said causes, and the taxation, allowance, and payment of the fees and allowances to the sheriffs of said counties, and the clerks of said Courts by such Inferior Courts.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties which now have, or which hereafter have, a population of not less than 105,000 and not more than 300,000 according to the last or any succeeding Federal Census, there is hereby created and established a Court of Domestic Relations in lieu of Juvenile Courts formally existing and established in such Counties.

Section 2. The Judge and other officers of such Courts except Court bailiffs shall be elected by the House of Representatives of Alabama immediately after the passage of this Act and the Judge of such Court shall hold said office until his successor is elected in a special election to be held on the second Tuesday in November 1931 as further provided in this Act, and such successor shall hold office for a term of office to expire January 19th, 1939, and until his successor has qualified; that a successor to such judge shall be elected in the general election to be held in the year 1938, for a term of six years commencing January 19th, 1939, and thereafter

every six years a successor shall be duly elected. The judge so elected on the second Tuesday in November 1931 as herein provided or his successor shall thereafter appoint all officers of such court, and determine their qualifications, to hold office at the will and pleasure of the Judge of such Courts except the bailiffs of such as herein provided, who shall be appointed by the Sheriff of such Counties.

Section 3. The Judge of such Court on or immediately after the second Tuesday in November 1931 shall appoint a clerk, one deputy clerk, and may in his discretion appoint not more than two probation officers of such court, who shall hold office at the will of the Judge of such court. The salary of the judge shall be Thirty-six Hundred Dollars per year, divided into twelve equal monthly installments of Three Hundred Dollars each, payable out of the County Treasury; the salary of the Clerk of said Court shall be Twenty-four hundred Dollars a year, divided into twelve equal monthly installments payable out of the County Treasury, the salary of the deputy clerk of such Court shall be Fifteen Hundred Dollars per annum, divided into twelve equal monthly installments payable out of the County Treasury and the salary of each of the probation officers shall be Fifteen Hundred Dollars per year, divided into twelve equal monthly installments payable out of the County Treasury.

Section 4. The Sheriffs of such counties shall appoint for service in said Court, one bailiff, who shall hold office at the will of the Sheriff so appointing him, and the salary of said bailiff shall be Eighteen Hundred Dollars per year payable in twelve monthly installments out of the County Treasury.

Section 5. The said Court of Domestic Relations shall have original and exclusive jurisdiction in all proceedings coming within the provisions and terms of this Act and shall have original and exclusive jurisdiction to hear, determine and adjudicate all questions and cases coming within said provisions and terms and each such court shall in the exercise of the jurisdiction herein conferred, be known as the Court of Domestic Relations of County. The said Court shall have the power, under the terms of this act, to determine the question of the dependency, neglect or delinquency of any child and when such question is so determined and adjudicated, to declare such child to be, for the purpose of this act, a ward of the state and to make and enter such judgment and orders for his custody, discipline, supervision, care protection and guardianship, as, in the judgment of the court will properly conserve and protect the welfare and best interests of the child. If it appears to the Court from the evidence that any person or persons, is, or are, in any way, contributing to the delinquency of any such child, or exerting an evil or harmful influence over any such child, the Court may by an injunction order directed against such person or persons

protect such child against such influence in the way that shall seem most conductive to such end, and may prohibit all future relations between the parties; but nothing in this section shall be construed as to interfere with the prosecution of offenders, as elsewhere provided for in this act. This said Court shall have full power and authority to issue all other writs and processes necessary to the carrying out of the purposes of this act. The Judge of the Court shall have the power to issue writs of arrest and of habeas corpus to have brought before it children alleged to be dependent, neglected or delinquent, as herein defined, to be dealt with by said court under the terms of this act. The court, as to such dependent, neglected, and delinquent children, shall have and exercise the jurisdiction and power possessed by Chancery Courts in this State; but shall not have power to adjudicate any matter or make any order affecting any property rights of such children. Nothing contained herein shall deprive courts of general jurisdiction of the right to determine the custody of children upon writs of Habeas Corpus, or the right to determine the custody of children when the custody is incidental to the determination of causes pending in such courts. The Court shall have the power to determine the form and character of its records and to devise and publish rules not inconsistent with the provisions of this act, nor with the laws of this State, to regulate proceedings in all cases coming within the provisions of this act, and for the conduct of probation and other officers of the Court. Such rules shall be enforced and construed liberally for the remedial purposes embraced herein. All expenses necessary or appropriate to the carrying out of the purposes and intent of this act, and all expenses of maintenance and care of wards of the Court that may be incurred by order of the Court in carrying out the provisions and intent of this act shall be valid charges and claims against the County and shall be paid by the County Treasurer when itemized and sworn to by the creditor or other persons knowing the facts in the case, and approved by the judge.

Section 6. For the purpose of this act the words "dependent child" shall mean any child, who, while under sixteen years of age, for any reason, is destitute, homeless or is dependent on the public for support; or whose parent or parents, for good cause, desire to be relieved of its care and custody; or who is without a parent or guardian able to provide for his support, training and education; or whose custody is the subject or controversy. The words "neglected child" shall mean any child, who, while under sixteen years of age is abandoned by both parents, or if one parent is dead, by the survivor, or by his guardian, or custodian; or who has no proper parental care or guardianship; or whose home, by reason of neglect, cruelty, or depravity on the part of his parent or parents, guardian or other person in whose care he may be, is an unfit or improper place for such child; or who is found begging, receiving or gather-

ing alms, or who is found in any street road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article or articles, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing; or for whom his parent, parents, guardian or custodian, neglect or refuse, when able to do so, or when such service is offered without charge, to provide, or allow, medical, surgical or other remedial care necessary for his health, or well-being; or whose parent, parents, guardian or custodian permits such child to engage in an occupation or calling contrary to the provisions of the child labor law of this state; or whose parent, parents, guardian or custodian fail, refuse, or neglect to send such child to school in accordance with the terms of the compulsory attendance law of this state; or who is in such condition or surroundings, or is under such improper or insufficient guardian-ship or control as to endanger the morals, health or general welfare of such child; or who is not being reared or cared for in accordance with the provisions of any law, regulation or ordinance for the education, care and protection of children; or who for any other cause is in need of the care and protection of the State. The words "delinquent child" shall mean any child who while under sixteen years of age violates any penal law of the United States or of this state, or any regulation, ordinance or law of any city, town or municipality, or who commits any offense or act for which he could be prosecuted in a method partaking of the nature of a criminal action or proceeding; or who is beyond the control of his parent, parents, guardian or custodian, or who is otherwise incorrigible, or who is guilty of immoral conduct; or who is leading an idle, dissolute, lewd or immoral life; or who engages in any calling, occupation or exhibition punishable by law or is found in any place for permitting which an adult may be punished by law; or who so deports himself as to endanger his health, morals or general welfare; or any child who has been brought before any other Court charged with a crime and which Court has, by proper order, transferred said child to the Court of Domestic Relations to be dealt with under the terms of this act. All such children, hereinabove described dependent, neglected or delinquent, shall be deemed wards of the State and entitled to its care and protection. The State shall exercise its right of guardianship and control over such children in the manner and form hereinafter provided. This act shall be liberally construed in order to accomplish the beneficial purposes herein declared. The word "him" or "his" when used in this act with reference to children coming under the provisions of this act, shall apply to boys and girls alike.

Section 6½. The judge of the Court of Domestic Relations is hereby vested with the authority to suspend sentence or put any

person on probation who is charged with any offense or charge under this act on the payment of the costs or otherwise in his discretion.

Section 7. Such Courts of Domestic Relations and the Judges thereof, shall have and exercise all the jurisdiction, power and authority as is now possessed by or vested in Inferior Civil Courts and/or Inferior Criminal Courts, and the Judge thereof, in all Counties within the purview of this act, including the power and authority to issue search warrants, as is vested in other magistrates and judges by the terms of Section 4742 of the Code of Alabama of 1923, and to fix and allow the costs, fees and allowances, as provided in Section 4768 of the Code of 1923. The clerk of such Court may under the instructions of the judge issue warrants as herein provided returnable to any Inferior Criminal Court of such Counties, and when such warrant is so issued returnable to another Court the clerk issuing the warrant must make out a cost bill covering all services of the clerk and Sheriff or other fees allowed by law and such Inferior Criminal Court must collect the amount of the fees set out in the cost bill and return same to the clerk of the Court of Domestic Relations to be paid to such officers. If such fees and/or allowances be not collected from the defendants or not otherwise paid they shall be charged to and collected from the County Treasury of such counties in the same manner as fees and/or allowances in insolvent convictions or nol prosse cases are collected for like service from the County Treasury in like cases in and/or from Circuit Courts in such counties.

Section 7½. The clerks and deputy clerks herein provided for shall have the same power and authority as is now possessed by or vested in clerks and deputy clerks of Inferior Civil and/or Inferior Criminal Courts in all counties within the purview of this act.

Section 8. The style or title of the proceedings herein provided for shall be State of Alabama, in the matter of (inserting name of child, a child under sixteen years of age, in the Court of Domestic Relations of _____ county (inserting name of county). Any person having knowledge or information that a child, residing in or who is actually within a county of this state, is within the provisions of this act, or subjejct to the jurisdiction of the Court of Domestic Relations, may, and any probation officer of such court having knowledge or information, shall file with the said court of said county a verified petition, setting forth the name, residence and age of the child, the name and residence of the parent or parents, if known to the petitioner, and the name and residence of the person or persons having guardianship, custody, control or supervision of such child, if such facts be known or can be ascertained by the petitioner, or that such facts are unknown, or cannot be ascertained, if that be the fact. The petition shall state the

facts which bring the child within the provisions and terms of this act, and it shall be sufficient for that purpose to aver that the child named therein is dependent, neglected, or delinquent, as the case may be, and in need of the care and protection of this State (here stating succinctly the facts which bring said child within the terms and provisions as herein defined.) The petition shall be sworn to by the petitioner, but affidavit may be made upon information and belief of the affiant. Upon the filing of the petition with the Court of Domestic Relations, or upon receipt of an order of transfer from any Court, hereinafter provided, the Judge or Clerk of the Court shall forthwith, cause a summons to be issued, signed by the judge or clerk of said court, requiring the child to appear before the Court and requiring the parents, guardian or person having the custody, control or supervision of the child, or the person with whom the child may be found, to appear with the child, at such time and place as may be stated in the summons, to show cause why the child should not be dealt with according to the provisions of this act. Said summons shall set forth the charges contained in said petition, or order of transfer. If it appears from the petition that the child is violating any penal law of the United States, or of this State, or any law or ordinance of any municipality for which said child could be prosecuted, or that the child is in such condition that its welfare requires that custody be immediately assumed, the judge of the court may endorse upon the summons a direction that the officer serving said summons shall at once take said child into his custody. When any child is taken into custody under such summons, or is in the custody of the Court under any order of transfer from any other court, such child may, if in the judgment of the judge of said court it is not inconsistent with the child's welfare, be admitted to bail, or be released on his own recognizance, or be released into the custody of a probation officer, or of the parent or parents or of any other person or approved agency designated by the Judge of said court. If in the discretion of the judge of said court, it is deemed inexpedient to admit such child to bail or to release it in the manner above set out, and if, in the judgment of the court, it is absolutely necessary, such child may be detained in such manner as the judge may order pending the hearing of the case. Service of such summons upon the child mentioned therein shall be made by the delivery to and leaving with the father or mother of such child, or with the parent with which such child is living, or with the person in whose custody the child may be, a true copy thereof and when the summons so directs, by taking said child into custody by the officers serving same. When the summons is directed to the child and to such child's father or mother, or both, service of one copy on either parent if they be living together shall be sufficient service on all of them, or on the child and the parent with which such child is living. When such child

has no parent or custodian upon whom such summons can be served, the Court shall appoint a guardian ad litem for said child, upon whom such summons must be served unless such service be waived in writing by said guardian ad litem. Service of such summons on the person, or persons mentioned therein, other than the child, if residents of this state, and their place of residence is known, shall be made by delivery to and leaving with such other person, or persons, a true copy thereof. In the event that such other person or persons are non-residents of the state, and their place of residence is known, it shall be sufficient service to deposit in a United States Postoffice in such county a true copy of such summons, in a postpaid, sealed envelope addressed to such person or persons, at such address or addresses; but such service shall not be held to have been perfected, nor shall such case be called for trial until a reasonable time has elapsed from the time of the posting of such summons, unless with the consent of such other person or persons, which consent may be shown by letter, telegraph, telephone, or in any other way satisfactory to the court. In the event that the names of the parent or parents, guardian or those legally entitled to the custody of such child cannot be ascertained; or if their names being known their place or places of residence cannot be ascertained; or if for any other cause they cannot be found, or if for any other reason it shall appear that service of such summons cannot be had on such persons, as provided above—this being a proceeding on the part of the State to protect and care for such children—no service of a summons shall be necessary in such cases to give the Court jurisdiction thereof. In the event that no service of summons is had for the reason set out above, it shall be the duty of the judge of such court, hearing such cases to satisfy himself that diligent effort has been made to ascertain the names and places of residence of the parent, parents, guardian or person or persons legally entitled to the custody of such children, before hearing such cases; and such judge may in any event order service by publication, as in other chancery cases if in his opinion the cause of justice require, in which case, if there be no other means of meeting such expense, same shall be paid by the county in which such proceedings are had. If the child mentioned in the summons be present in court at the time of the hearing, no summons to said child shall be necessary to give the court jurisdiction of such child. When the person named in the summons other than the child is present in court at the hearing, or for any of the reasons set out above has not been served with a copy of the summons, or when said child is in court, by reason of the violation of any law, federal, state or municipal, service of the summons upon such other person named in the summons shall not be necessary to give the court jurisdiction; but if such other person be not present in Court, and if for any of the reasons set out above has not been served with the summons,

the court must appoint a probation officer, or some other discreet person, to act as Guardian Ad. Litem, to represent the interest of such child and such Guardian Ad. Litem shall be present at the hearing of said case to represent said child. The summons herein provided for shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for contempt of court. The Sheriff of the County shall serve all papers directed by the Court of Domestic Relations or the judge thereof to be served by him. Should any person, who by reason of not having had any legal notice of such proceedings, have a legal right to be heard in such cause, such person shall, or must, assert such right by filing a petition in such cause setting out such right, and asking to be heard thereon, within ninety days from the rendition of the decree adjudging such child a dependent, neglected or delinquent child, and a ward of the court, and such right, if any there be, shall or must be so asserted and within such time, or same shall be forever barred.

Section 9. For all services performed or rendered by him in or to said court, the Sheriff of said county shall be entitled to and shall receive the same fees and allowances as are authorized and provided for like services in the Circuit Court, payable in the same manner as such fees and allowances are payable for like services in Circuit Courts.

Section 10. If, after hearing the case of any child, the Court shall find the child dependent, neglected or delinquent and shall so adjudge, the Judge may commit the child to the home of its parents, guardian or person having control of the home in which said child resides, provided that the character or condition of said home, parents, guardian or persons in said home is not such as to be injurious to the best interest of the child, and may permit such child to remain in its home subject to the visitation and supervision of a probation officer and to such other conditions as the Court may deem for the best interest of such child, and to be returned to the court by such guardian, parent or probation officer when such return may appear to the judge necessary and an order therefor is made by him. Or, the child may be placed by the Court in any suitable family home, subject to the visitation and supervision of a probation officer and to further orders of the Court. Or, the Court may authorize the boarding out of the child in some suitable family home in such manner as is now, or may hereafter be provided by law, or may arrange by voluntary contribution or otherwise for the board and care of the child until suitable provision can be made for the placing of such child elsewhere. Or, the child may be committed by the Court to any orphanage, institution, association or agency approved by the State Child Welfare Department for the care of such children in the State of Alabama and which is willing to receive such child. The Court may commit

any delinquent child coming within its custody and control to any appropriate state institution which is now, or may hereafter, be established to receive and care for delinquent children, or make such other order or judgment as the court, in its discretion, shall deem to be for the best interest of the child. No child shall be committed to any orphanage, institution, association or agency except such state institutions, or agencies, unless such orphanage, institution, association or agency is approved by the State Child Welfare Department for the care of children of his class. During the probation period, and during the time when such child shall be in the custody of any institution, other than a state institution, or any society, association or person, the child shall be subject to the visitation of probation officers or other duly appointed agents of the court. No committment of any child to any institution or other custodial agency, other than state institutions, or the State Child Welfare Department shall deprive the court of the jurisdiction or authority to change the form of committment or to transfer the custody of the child to some other institution or agency. The Court may release the child from its custody or control, subject to be recalled and held in its control and custody on failure to comply with the terms and conditions of its order, or finally discharge the child. State institutions for delinquents shall not release any child committed to them under the provisions of this act without first giving ten days notice in writing to the court making the committment. In committing any child to any custodial agency or in placing any child under the guardianship, other than that of its natural guardian, the court shall, as far as practical, select a custodial agency or any individual of the same general religious belief as that of the parent of such child, or if there be no parents, as that of the child itself, or an institution or association governed by persons of the same general religious belief as that of the parents or of such child, unless said institution be a state, county or municipal institution. Female children, when being transported by orders of the court to state institutions for delinquents shall be accompanied by a woman of good character. When any child is committed by the Court to any home, institution, or person, and the parents of such child shall have the means, such parents may be required by the Court to pay for the support and care of the child such sums and at such times as the Court may order, or, if the child shall have an estate in the hands of a guardian or trustee, such guardian or trustee may be required by the court to pay for the support and care of the child in the same manner. In case of such order to pay, the Court shall designate the person, officer, institution or agent to whom such payment shall be made. If said person, trustee, or guardian so adjudged and ordered to pay such sums for the support and care of the child, wilfully and without just excuse, fails or refuses to make payment, in accordance with the order

of the court, such person, trustee or guardian so failing or refusing to pay may be adjudged in contempt of Court. From any such order to pay for the support and care of such child, an appeal may be taken by the person, trustee or guardian so ordered, as hereinafter provided for, and upon the taking of such an appeal, said order shall be suspended until the determination of said appeal. The expenses of transporting a child to an institution, home or other custodial agency, shall, unless otherwise provided for, be borne by the county of the residence of the child and shall be paid by the court of County Commissioners or board of revenue upon presentation of a bill for such expenses approved by the judge of said court. The policy of the court shall be, as far as possible, to exercise its supervisory care by the retention of children in their own homes under the supervision of a probation officer. No child shall be committed to any home of a race other than its own. Every child committed to any home shall be treated in such home as a member of the family, and the home receiving such child shall be under agreement to rear and educate such child as a member of the family. When jurisdiction and custody of any child has been assumed by the Court, pending disposition of the child, by committment or otherwise, the Court of County Commissioners, or board of revenue of the County of the residence of said child shall, unless support shall be otherwise provided, provide for the reasonable and proper support of the child while in the custody of the court. No child coming within the provisions of this act shall be committed to any institution at the public charge unless his status shall have been first determined by such court in accordance with this act.

Section 11. All fees in criminal cases and in civil cases in such courts other than the Sheriff's fees and allowances collected or collectible for services by the clerk or clerks of such courts shall be paid to the clerk, and one half of such fees shall be retained by the clerk for his services in addition to the salary herein provided for, and the other one-half of such fees shall be paid to the County Treasurer and be deposited in the general fund of the county, for the uses of such counties. The schedule of fees in Courts of Domestic Relations in such counties in all civil or criminal cases shall be the same fees as now allowed for like services in Circuit Courts in such counties. Provided that no fees may be charged in any Domestic Relation case which involves the delinquency of any child or children, or other domestic relations case except when the judge of such courts may deem it proper to make charge of such fees, and in that event such judge of such court may charge the same fees for services in such court as charged in the Circuit Courts of such counties. All fees and salaries for services of officers of such courts and all fees for services of the Sheriff in and to such courts, payable by the County shall be a preferred claim against such county.

Section 12. The Board of Revenue and Road Commissioners, or like governing authority of said Counties, shall provide suitable quarters for the use of the Court of Domestic Relations, and all such fittings and furnishings, paraphernalia, books, stationery, cabinet, files and equipment, and all other facilities as are reasonably necessary, proper and convenient for the carrying out of the purposes of this act.

Section 13. The Courts hereby created, shall always be open, within reasonable hours, to hear causes of action, civil, criminal or domestic within the jurisdiction provided in this act, under such rules and regulations as may be made and adopted by the Judge of said Courts.

Section 14. In the event the Judge of said Court is unable, for any reason to attend such Court, he shall appoint a special judge by an order to be spread upon the Minutes, stating therein the reason for his inability to serve, and such special judge so appointed is hereby given the full power, jurisdiction and authority of the Judge of said Court during the period of said appointment, and during the whole period of time which he so serves. The special judge so appointed shall be a practicing attorney and a resident of the County where the Court is located. Power is hereby specially given and conferred on the regular judge of such court to make the appointment above set forth. Such special judge of said Court shall receive as compensation for his services $10.00 per day to be paid out of the County Treasury of the County in which such Court is located. The judge of said Court shall be a citizen of the County and State in which said Court is located and a resident of said County for at least three years before his appointment or election, and shall be learned in the law, and a practicing attorney, and shall not be less than twenty-five years of age. The Judge of such Court shall have the authority, where not otherwise provided for by law, to fix the form and character of all records of such courts. He may practice law in so far as it does not interfere with his duties as such judge, but not in any case or matter that arose in such court of which he is judge.

Section 15. Before entering upon their duties, the Clerks of such Courts shall execute bond with such sureties as the Judge may prescribe in the penalty of not less than $2000.00, payable to such County in which such court is located, with the condition to faithfully discharge the duties of his office during his incumbency, to properly account for all monies or property which may come into his hands as such clerk, and further conditioned as may be prescribed by the judge, who shall approve the bond and deliver it to the County Treasurer of such county for safe-keeping. Suits may be brought upon said bond by any one aggrieved by its breach until its penalty is exhausted. All original and renewal premiums

on the bonds of such clerk shall be a charge on the County and shall be payable out of the general funds of such County.

Section 16. The Circuit Solicitor. It shall be the duty of the Circuit Solicitor, through himself or his deputy, to represent the State in all causes tried in such Court of Domestic Relations, when requested to do so by the Judge of such Court.

Section 17. In the event that the Juvenile Courts in any Counties affected by the terms of this act, shall be abolished, all causes of action then pending before said Juvenile Courts shall be transferred to the Court of Domestic Relations and all the records of said Juvenile Courts shall be transmitted and delivered to the officers of the Court of Domestic Relations.

Section 18. The said Court or the presiding Judge shall have the power to punish as for a contempt of court in the same manner and to the same extent, and within the same limits, as is vested in the Inferior Civil or Inferior Criminal Courts, or the judges thereof, in any counties affected by the terms of this act.

Section 19. Whenever any person is confined in the county jail under committment or mandamus issued out of said Court, the Sheriff shall receive and be paid for keeping and feeding such prisoner as he is paid for feeding and keeping other prisoners committed to jail by other courts.

Section 20. The said Court shall keep for the trial of cases involving children under the age of sixteen years a docket which shall be separate and distinct from any other docket kept in said court; and the orders and decrees of the Court relating to such cases shall be entered in a separate minute book. The Court shall have the power, in the hearing of any case involving any child under sixteen years, to exclude the general public from the room where said hearing is held, but shall admit thereto such person as, in the judgment of the court, have a direct interest in the case. The records of all such cases shall be with-held from indiscriminate public inspection but such records shall, in the discretion and under the orders of the Judge, be at all reasonable times open to inspection by the child, its parents, or guardian, its attorney or attorney for its parent or guardian, and the Child Welfare Department or its accredited agents. It shall be the duty of the Judge of the court so to conduct the hearing as to disarm the fears of the child and to win its respect and confidence.

Section 21. The hearing and proceedings herein provided for may be conducted in the Judge's Chamber or in any other room that may be provided for such cases, or in such other place within the County as may be convenient for the Court and all parties concerned. Upon the return of the summons or at the time set for the hearing, the Judge of the Court shall proceed to hear and determine the case. At such hearing the nature of the proceeding shall be carefully explained to the child and to his parent, custodian

or guardian. The Judge of the Court may conduct the examination of witnesses and may take testimony for the purpose of inquiring into the habits, surroundings, conditions, tendencies and guardianship of the child in order to enable the Court to determine whether such child is dependent, neglected or delinquent, and if dependent, neglected, or delinquent, what order or judgment will best conserve the welfare of the child and carry out the objects of this act. If said child is found by the Court to be dependent, neglected or delinquent, the Court shall so adjudicate and, thereafter, said child shall, during his minority, be considered a ward of the State and subject to the guardianship of the Court of Domestic Relations, as herein provided, unless sooner discharged by order and decree of the Court of Domestic Relations or other Court of competent jurisdiction. Any order or judgment of the court in the case of any such child within its custody and guardianship shall be subject to modification from time to time as the court may consider best for the welfare of said child.

Section 22. No adjudication nor judgment under the provisions of this act shall operate to disqualify any child for any office in any state, county, or municipality, or from employment in any civil service under any branch of the government. No child shall be denominated nor held to be a criminal by reason of any such adjudication, nor shall such adjudication be held to be or denominated a conviction.

Section 23. Any party aggrieved may take an appeal from any judgment or order of the court arising under provisions of this act to the Circuit Court at law or the Circuit Court sitting as a Court of Equity. Such appeal shall be taken within ten days after the entering of the judgment or order. An appeal bond may, in the discretion of the court, be required in any case except Civil cases which shall be as now fixed by law governing Inferior Courts in such counties. Such bond shall be payable to the State of Alabama and conditioned upon the child's appearance to answer such judgment as may be rendered on appeal, as well as to secure such costs as may accrue. If such appeal be taken by the Guardian Ad. Litem appointed for the child by the Court, the court may, in its discretion make an order allowing any such Guardian Ad. Litem the actual expenses incurred on appeal, and the amount so allowed shall be a valid charge against the County when approved by the Judge. An appeal, with or without bond, shall not suspend the judgment appealed from nor shall it discharge the child from the custody of the Court or from the custody of the officer or person to whose care such child shall have been committed, unless the Court shall so order. All appeals under this act shall take precedence over all other business of the Court to which an appeal is taken. Upon appeal, the Circuit Court shall consider the case de novo and shall proceed, under and in pursuance of the intent and

terms of this act, to render such judgment as to it shall seem just and for the best interest of the child. Upon the rendition of such judgment, the Circuit Court shall cause to be filed with the Court of Domestic Relations a copy of the judgment which shall thereupon become the judgment of the Court of Domestic Relations. If the Circuit Court does not dismiss the proceedings and discharge the child, it shall remand the child to the jurisdiction of the Court of Domestic Relations for the supervision and care under the terms of the judgment of the Circuit Court and thereafter the child shall be and remain under the jurisdiction of the Court of Domestic Relations in the same manner as if the Court of Domestic Relations had rendered said judgment in the first instance.

Section 24. The Governor of Alabama must order an election to be held and conducted on the second Tuesday in November, 1931, at which said election the Judge of the Court in this act provided shall be selected. Said election shall be held and conducted in all respects as Special elections are held and conducted. The expenses of such election to be paid by the Counties within the purview of this act.

Section 25. Nothing in this act shall be construed as forbidding the arrest, with or without warrant, of any child as is now or may hereafter be provided by law, or as forbidding the issuance of warrants by magistrates, as provided by law. Whenever a child under sixteen years of age is brought before a magistrate of any court in the county, other than the court of Domestic Relations, charged with an offense, such Magistrate or Court shall forthwith, by proper order, transfer the case to the Court of Domestic Relations. Any criminal court or any court exercising criminal jurisdiction in any county coming under the provisions of this act before which any child between the ages of sixteen and eighteen years is brought, charged with the commission of a crime, shall have authority, if such court shall deem it to be in the interest of justice, and of the public welfare, to in like manner transfer such child by proper order to the jurisdiction of the Court of Domestic Relations of said county to be dealt with as a delinquent child under the terms of this act and when so transferred such child shall come under all terms and conditions of this act and be so dealt with as other children are dealt with under this act. All information, depositions, warrants or other process in the hands of such magistrate or court shall be by him or by the judge of the said court forthwith transmitted to the Court of Domestic Relations and shall become a part of the records of the Court of Domestic Relations. The Court of Domestic Relations shall thereupon have jurisdiction in the case and shall proceed to hear and determine the case so transferred to it, in the same manner as if the proceedings had been instituted in the Court of Domestic Relations by petition as hereinbefore provided.

Section 26. If, at any time, after thorough investigation or trial of its disciplinary measures, the Court of Domestic Relations, or the judge thereof, shall be convinced that a delinquent child, more than fourteen years of age, brought before it under the terms of this act cannot be made to lead a correct life and cannot be properly disciplined under the provisions of this act, the Court of Domestic Relations, or judge thereof, shall have authority to transfer the care of such delinquent to the jurisdiction of any other court in the county having jurisdiction of the offense with which said child is charged, there to be proceeded against according to law. When such order of transfer is made, the child so transferred may be committed to the county jail awaiting the proceedings in the court to which said case is transferred or may be released on bail by the judge of the Court of Domestic Relations to answer such proceedings in the court to which said case has been transferred. The judge or clerk of the Court of Domestic Relations shall at once, upon making such order of transfer, file with the Clerk of the Court to which the transfer is made, a copy of the order of transfer and any warrant or other paper which has been filed in the Court of Domestic Relations charging the child with the commission of any offense. In the trial in the court to which transfer is made, neither the fact that the case has been transferred from the Court of Domestic Relations nor any of the proceedings had in the Court of Domestic Relations shall be given in evidence against the child. All bonds and undertakings taken and approved by the judge of the Court of Domestic Relations for any purpose shall be valid and enforcible even if the principal in said bond be a minor. In the event of the failure of the principal or sureties to faithfully carry out and discharge the undertakings of said bond, the judge of the Court of Domestic Relations shall transmit said bond, together with his certificate of the failure of the said principal and sureties therein to carry out and discharge their undertakings in said bond, to the clerk of the Circuit Court of the County. Thereupon it shall be the duty of the clerk of the circuit court at once to bring said matter to the attention of the judge of said court who shall proceed to enter a forfeiture of said bond, so transmitted, in the manner and form now provided for the forfeiture of bonds in the Circuit Court. Thereafter, writs of scire facias and execution shall issue thereon as now provided by law upon the forfeiture of bonds in criminal cases in the Circuit Court.

Section 27. It shall be unlawful for any parent, guardian, or other person to aid, encourage or cause any child under sixteen years of age to become or remain dependent, neglected or delinquent, or by words, acts, threats, commands, or persuasion induce or endeavor to induce, aid, or encourage any child under sixteen years of age to do or perform any act or to follow in the course of conduct which would cause, or manifestly tend to cause,

such child to become or remain dependent, neglected or delinquent, or by the neglect or any lawful duty or in other manner contribute to the dependency, neglect or delinquency of a child under sixteen years of age. The employment of any child under sixteen years of age in violation of any of the provisions of the Child Labor Law, or suffering, permitting, conniving at, aiding or abetting such employment shall be held to be encouraging, causing or contributing to the dependency, neglect or delinquency of such child. Failure on the part of any parent, guardian or other person having custody of the child to cause such child to attend school, as required by the compulsory attendance law, shall be held to be encouraging, causing and contributing to the dependency, neglect or delinquency of such child. Who-ever violates any provision of this section shall be guilty of a misdemeanor and punished as set out in Section 28½ of this act. Whenever, in the course of any proceedings under this act, or when, by affidavit, as is hereinafter provided, it shall appear to the Court of Domestic Relations that a parent, guardian or other person having custody, control or supervision of a child under sixteen years of age, or any other person not standing in any such relation to such child, has aided, encouraged, or caused such child to become dependent, neglected, or delinquent, as defined herein, or has by word, act, or omission contributed thereto, or has, by threats, commands or persuasion induced, or endeavored to induce, aided or encouraged such child to do or perform any act or to follow any course of conduct which would cause or manifestly tend to cause, such child to become or remain dependent, neglected or delinquent, the court shall for the protection of such child from the influences, have jurisdiction in such matters, as herein provided. The Court shall cause such parent, guardian or other person to be brought before it upon either a summons or a warrant, affidavit of probable cause having first been made, for such order or judgment in the premises, as the court may see fit to make or render in accordance with the provisions of this act.

Section 28. Such accused person shall have the right to bail in such reasonable sum as may be fixed by the court, the bond to be approved by the judge of said court or by the sheriff. In default of bail the person so accused may be committed to the county jail, pending the trial and disposition of the cause.

Section 28½. The Court shall have full power and authority to hear such parent, guardian or other person, and to determine his guilt or innocence. In the event such parent, guardian or other person shall be adjudged guilty by the court, the court shall have the power to impose a fine of not more than $100.00 or a sentence to hard labor for the county for not more than twelve months, or of imprisonment in the county jail for not more than twelve months, or both such fine and sentence. In the trial of such cases the Court of Domestic Relations shall determine both the law and the facts

without the intervention of a jury and shall award such judgment under the terms of this section as shall seem just.

Section 29. The Judge of such court shall have authority, in his discretion, to suspend the payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, or both such fine and sentence, and to place such accused person on probation for a period of time not to exceed twelve months, and upon such terms and conditions as to the judge may seem proper. The judge of such court may, further in his discretion, and as part of the judgment, require such person to enter into a bond, with or without surety, in such terms as the court may direct, to comply with the orders of the court. The judge shall have authority, in his discretion, and upon such information as he may deem sufficient, to revoke such suspension of fine, or imprisonment, or both, upon the violation by the probationer of the conditions and terms upon which such suspension was made. Such revocation by the judge shall immediately put into effect the original fine and original term of imprisonment, or hard labor, or both, such fine and term; and the judge may thereupon issue warrant for the arrest and order the committment to enforce the judgment as if there had been no suspension.

Section 30. The defendant, if convicted, shall have the right to appeal to the next ensuing term of the circuit court of the county, where he may have trial by jury. Pending such appeal, upon his entering into bond with sufficient surety in such sum as the court may require, conditioned that he will appear at said circuit court until discharged by due course, he shall be released from custody. If he fails to make the required bond, he may be confined to the county jail until the time of his trial. Upon the taking of such appeal, the judge or clerk of the Court of Domestic Relations shall at once certify to the clerk of the Circuit Court of the county all papers in the case together with a transcript of all proceedings in the matter had in the Court of Domestic Relations.

Section 31. The Clerk of the Circuit Court shall set all such cases appealed from the Court of Domestic Relations as preferred cases in the Circuit Court. Upon such appeal the Circuit Court shall try the case de novo. If the defendant be found guilty by the Circuit Court, such Court shall have all the discretionary power herein given to the Court of Domestic Relations in rendering judgment against said defendant. If upon a rendition of this judgment, the Circuit Court shall suspend judgment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, and shall place such convicted person upon probation under the terms of this section, the Circuit Court shall cause to be filed with the Court of Domestic Relations a copy of its judgment which shall thereupon become also the judgment of the Court of Domestic Relations in said case. Upon the rendition by said court

of an order suspending such sentence, the Circuit Court shall remand such convicted person to the jurisdiction of the Court of Domestic Relations for its supervision and care under the terms of order or judgment of the Circuit Court and thereafter the convicted person shall be and remain under the jurisdiction of the court in the same manner as if such Court of Domestic Relations had rendered the judgment of the Circuit Court in the first instance. An affidavit in the following form shall be sufficient to charge the offense described in this section, to-wit: State of Alabama, County (name of County). In the Court of Domestic Relations of present term. County (name of County). Personally appeared before me _____, Judge or Clerk of the Court of Domestic Relations of_____(name of county) County, (name of affiant) _____, who being by me first, duly sworn deposes and says that (name of_____person charged with offense) _____, has, within twelve months before the making of this affidavit, in said county, aided, encouraged, or caused (name of child)_____, a child under sixteen years of age to become dependent, neglected or delinquent (as the case may be), or has by word, act, or omission, contributed thereto; or has, by word, conduct, act, omission, threats, commands or persuasion, induced, or endeavored to induce, aided, or encouraged such child in such county to do or perform an act, or to follow a course of conduct which would cause or manifestly tend to cause, such child to become or remain dependent, neglected delinquent (as the case may be in that the said (name of accused) did, within said twelve months within said county (here state succinctly the facts, acts, words, conduct, omissions, etc which affiant avers were done or omitted by accused stating said offense), against the peace and dignity of the State of Alabama. Subscribed and sworn to before me, this_____day of _____19____. _____, affiant,_____, Judge or Clerk of the Court of Domestic Relations_____County, Alabama. If merely injunctive relief is sought against one or more defendants or persons, as hereinabove provided, petition may be made therefor by a Bill of Complaint addressed to the Court of Domestic Relations, or to the judge thereof and such proceedings governed by the rules of Chancery pleading and practice; except that ten days shall be the limit of time allowed for appearance and answer to summons in such proceedings.

Section 32. Any person who knowingly and wilfully disregards or fails to obey any lawful order made by the judge of the Court of Domestic Relations under the provisions of this act or in the conduct of such court, or who knowingly or wilfully interferes with the custody of any child under the jurisdiction of such court shall be guilty of a misdemeanor and upon conviction thereof shall

be fined not more than $100.00 or sentenced to hard labor for the county not to exceed twelve months or both.

Section 33. It shall be unlawful for any person in such counties to remove, conceal or cause to be removed or concealed, or attempt so to do, any dependent, neglected or delinquent child as defined in this act, or one alleged in the petition or order of transfer filed in said court to be so, or any child whose custody is the subject of controversy in said courts in order that such child may not be brought before the court; or, for any person to interfere with the custody of, or remove or attempt to remove, any dependent, neglected or delinquent child, or one alleged so to be, or any child whose custody is the subject of controversy in such court, who is in the custody of the court, or of a probation officer, or any other officer, or person designated by the court as a special officer, or any such child who has been by said court committed to any person, persons, institution, association or corporation under the terms of this act, or by virtue of its general Chancery Jurisdiction. And it shall be unlawful for any person to interfere knowingly with or oppose or likewise obstruct any probation officer in the performance of his duties under this act, or to knowingly make false statements to any such probation officer about any matter or person as to which or whom such person is making inquiries in the discharge of the duties of such officer. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $100.00 or sentenced to hard labor for the county not to exceed twelve months or both.

Section 34. The voluntary admission or confession of any dependent, neglected or delinquent child, as described herein—or of the parent or parents of such child made to the probation officer, or any other person in reference to any cause or matter in such court, if otherwise competent, shall be received in such court as legal evidence; and the written or verbal report of facts or conditions in reference to any child or in reference to such child's manner of life, or condition or environment which show, or tend to show, the social condition or status of such child, made by a probation officer of said court after an investigation in pursuance of any rule or order of court shall be received in evidence in such court in such case as prima facie evidence of such facts or conditions and may be used by any party in interest in such case. No disposition of the case of a child dealt with for delinquency under this act, nor any admission or confession of such child or such parent, or parents to the probation officer or court; nor any report to the probation officer made or given in pursuance of any rule or order of such court; nor any statement by any parent or parents of such child in such proceeding shall be given or heard in any civil, criminal or other cause or proceeding whatever or in any

other court, be lawful or proper evidence against such child or parent or parents for any purpose; but such matters may be received and heard in subsequent proceedings in such cause in said Court of Domestic Relations.

Section 35. Motion for a new trial; or re-hearing; time, authority. Every motion for a new trial or application for re-hearing of any cause decided in said Court of Domestic Relations shall be filed with the Clerk within five days after the rendition of said judgment or decree except as is herein otherwise provided for; and said motions shall be promptly heard by said Court or granted forthwith by said Judge within his discretion. In ruling on such motions the Court shall have the right either to set aside the judgment order, or decree, complaint of, and order a re-hearing or new trial; or it may modify said decree, order or judgment in any way that the court could have done at the original hearing, or at the time that such order was made and as it shall seem just. And the Court may in matters of discretion ex mero motu amend such orders as to it or him shall seem just.

Section 36. Operating cost and expense duty of Revenue and Road Commissioners Clerk, payment of half of expense by city. The Clerk of the Board of Revenue and Road Commissioners of said Counties, or whatever name they may be known by in said counties shall present to the Board of Revenue and Road Commissioners of said Counties, or whatever name they may be known by in said counties, shall present to the Board of Revenue and Road Commissioners, or whatever name they may be known by in said counties, monthly statements showing truly and correctly all the items of expense including all costs of transportation of juveniles and officers to and from institutions arising out of the operations and in connection with the Court of Domestic Relations and the cost of maintenance of said Court of Domestic Relations, not including the cost of furnishing quarters and the equipment thereof in the way of furniture, such as desks, chairs, tables, benches or other things that become a part of the realty, but including all other matters of expense or cost. Such statement shall be recorded in the minutes of the said Board of Revenue and Road Commissioners or whatever other name they may be known by, and said Board shall cause a statement of such monthly expenditure so presented to it to be filed with the Board of City Commissioners of the Municipality in which said court is established and exercises jurisdiction, or whatever name said Board of Commissioners governing authority be known by. And it shall be the duty of said City to pay the County one-half of the amount incurred for the operations of said court.

Section 37. Whenever in any divorce cause in the Circuit Court of said County, it shall appear that the parties to said cause have a minor child or children, it shall be the duty of the Register

of said Circuit Court to forthwith certify to the Court hereby created the pendency of said cause, the names and addresses of the parties and of the child or children of the parties, and the ground or grounds of divorce averred in the Bill of Complaint filed in said cause, and it shall be the duty of the Judge of the Court of Domestic Relations or an officer of said Court designated by the Judge, to visit the parties to said divorce cause and to attempt to reconcile the parties thereto, so as to avoid a decree of divorce.

Section 38. Nothing in this act shall be construed to annul the jurisdiction, powers and authority now possessed by or vested in any Inferior Criminal and/or Civil Courts in such Counties.

Section 39. This act shall go into effect in all its penal and other provisions, thirty days after its being approved by the Governor or becoming a law under the Constitution and without such approval.

Section 40. All the laws and parts of laws general, local or special in conflict with any of the provisions of this Act including all former local laws creating any Court of Domestic Relations or Juvenile Courts in and for any County within the operation of this act are hereby repealed. But nothing herein contained shall be construed as to repeal any portion of any local act providing for the detention home for juvenile, delinquents in any county to which this act may be applicable. If any provisions or section of this act shall be declared unconstitutional the remaining sections or provisions thereof shall not be affected, but the same shall remain in full force and effect.

Section 41. That in all counties in the State of Alabama which now have or which may hereafter have a population of not less than one hundred and five thousand and not more than three hundred thousand according to the last or any succeeding Federal census Courts of Domestic Relations now existing or which may hereafter be created in such counties in the State of Alabama shall be vested with the jurisdiction, power and authority to hear and determine all causes arising under Chapter one hundred and fifty seven (157) of the Code of Alabama of 1923 according to the provisions of said chapter.

Section 42. That the Judges of said Courts of Domestic Relations are hereby authorized and empowered to make, establish and promulgate rules and regulations for the transaction of the business of said courts including the time for the hearing of causes within the jurisdiction of said courts.

Section 43. Such courts of Domestic Relations shall hear and determine all cases involving Domestic Relations, including juvenile delinquency, non-support and other cases involving the welfare of children on days other than the days on which said courts sit to hear and determine criminal and civil cases.

Section 44. The house of Representatives of the State of Alabama shall elect such supervisor of probation who shall hold

office for a term of three years from the date of such appointment, and thereafter the Judge shall appoint the supervisor of probation to hold office at the will of the judge of such courts. The salary of the said supervisor of probation shall be fifteen hundred dollars per year ($1500.00), divided into twelve equal monthly installments of one hundred and twenty-five dollars each ($125.00) payable out of the County treasury.

Section 45. The judges of said courts of Domestic Relations or the clerks of such courts under the direction of the judge of said courts may issue warrants returnable to the Inferior Criminal courts or the Inferior Civil Courts of said counties, in which event such Inferior Criminal Courts or Inferior Civil Courts of said counties to which said warrants shall be so returnable must hear and determine the issues raised by said warrants and must tax as costs in the said causes so transferred the fees and allowances fixed by law and by any act creating the court of Domestic Relations in said counties to the sheriff of said counties and to the clerk of the Court of Domestic Relations, and such Inferior Civil or Inferior Criminal Courts must enforce collection of said fees and allowances and pay the same to the clerk of the Court of Domestic Relations to be distributed to the officers entitled thereto, and in the event such fees and allowances are not collected from the defendants or are not otherwise paid, such fees and allowances shall be charged and collected from the counties in which the said courts are located and shall be payable out of the county treasury.

Became a Law under Section 125 of the Constitution July 17, 1931.

No. 402) (H. 1037—Taylor

AN ACT

To authorize, empower and direct any County of the State of Alabama, which has a population of not less than 105,000 nor more than 300,000, according to the last or any succeeding Federal Census to pay any claim or claims now or hereafter due contractors for work done and performed for said counties in the construction of roads, and for bridges in said counties, out of the general funds of the County in cash, or with interest bearing warrants, or with interest bearing warrants drawn on and payable out of special taxes levied and collected for the Construction of said roads and bridges.

Be it Enacted by the Legislature of Alabama:

Section 1. That any County in the State of Alabama, which has a population of not less than 105,000 nor more than 300,000, according to the last or any succeeding Federal census, be, and such counties are hereby authorized, empowered and directed to pay any claim or claims now or hereafter due contractors for work

done and performed by said contractors for said counties in the construction of roads, and for bridges in said counties, out of the general funds of the county in cash, or with interest bearing warrants, or with interest bearing warrants drawn on and payable out of the special taxes levied and collected for the construction of said roads and bridges.

Approved July 16, 1931.

No. 403) (H. 1061—Kelly of Talladega

AN ACT

To propose to amend the Constitution of the State of Alabama so as to fix the limit of indebtedness authorized to be incurred by the town of Sylacauga, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the next general election after the final adjournment of the present session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed: "The town of Sylacauga is hereby authorized to become indebted in an amount, including present indebtedness, not exceeding five per centum of the assessed valuation of the property therein, provided that there shall not be included in the limitation of the indebtedness the following classes of indebtedness, to-wit: temporary loans, to be paid within one year, made in anticipation of the collection of the taxes, and not exceeding one-fourth of the general revenues, bonds or other obligations already issued, or which may hereafter be issued for the purpose of acquiring, providing, enlarging, improving or constructing school houses, sewers, water works, electric light, gas, or sewage disposal plants either within or without the City Limits; and obligations incurred and bonds issued for street or sidewalk improvements where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvements or benefitted thereby; provided that the proceeds of all obligations issued as herein provided in excess of said five per centum shall not be used for any purpose other than that for which said obligations were issued, and provided further that nothing contained herein shall prevent the funding or refunding of existing indebtedness. This amendment shall be self-executing." And an election by the qualified electors of the State is hereby ordered upon such proposed amendment, and the day appointed for such election is the day of the next general election after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once

a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following: "Shall the following proposed amendment to the Constitution of Alabama be adopted: 'The town of Sylacauga is hereby authorized to become indebted in an amount, including present indebtedness, not exceeding five per centum of the assessed valuation of the property therein, provided that there shall not be included in the limitation of the indebtedness the following classes of indebtedness, to-wit: temporary loans, to be paid within one year, made in anticipation of the collection of the taxes, and not exceeding one-fourth of the general revenues, bonds or other obligations already issued, or which may hereafter be issued for the purpose of acquiring, providing, enlarging, improving, or constructing school houses, sewers, water works, electric light, gas, or sewage disposal plants either within or without the City Limits; and obligations incurred and bonds issued for street or sidewalk improvements where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvements or benefitted thereby; provided that the proceeds of all obligations issued as herein provided in excess of said five per centum shall not be used for any purpose other than that for which said obligations were issued; and provided further that nothing contained herein shall prevent the funding or refunding of existing indebtedness. This amendment shall be self-executing.' Yes_____ No_____."

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature, and if it shall thereon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Section 6. The expenses of the election herein provided for and the cost of the publication of all notices shall be paid out of

the State Treasury in the same manner as the expenses of other elections are paid.

Passed the House June 25, 1931.

Passed the Senate July 7, 1931.

No. 404) (S. 317—Teasley

AN ACT

Relating to fees or Commission on special County or district tax levied for school purposes in all counties which now have a population of not less than 75,000 people and not more than 100,000 people, according to the last Federal Census or any such census that may be hereafter taken, in which the Tax Collector and Tax Assessor are constitutionally paid upon a salary basis.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties which now have a population of not less than 75,000 people and not more than 100,000 people, according to the last Federal Census or any such census that may be hereafter taken, in which the Tax Collector and the Tax Assessor are constitutionally paid on a salary basis no fee or Commission shall be taxed by such Tax Collector or Tax Assessor on any special County or district tax levied for school purposes. The full amount of such taxes collected shall be covered into the public school fund of such county or the district as the case may be.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved July 17, 1931.

No. 405) (S. 574—Scruggs.

AN ACT

To amend Section 9302 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 9302 of the Code of Alabama, 1923, be amended so as to read as follows:

Section 1: "Section 9302." A. WHO MAY PETITION FOR ADOPTION OF MINOR CHILD. Any proper adult person, or husband and wife jointly, may petition the probate court of the county in which he or they have a legal residence, or of the county in which the child resides, or of the county in which the child had legal residence when it became a public charge, or of the county in which is located any agency or institution, operating under the laws of this State, having guardianship and custody of

the child, for leave to adopt a child and for a change of the name of such child. Such petition for adoption shall specify the name, age and place of residence of the child and the name, age and place of residence of the petitioner, and the name by which the child shall be known; whether such child is possessed of any property, and the full description of the property, if any; whether the child has one or both parents living; in case one or both are alive, then the name or names and place or places of residence of such father and mother shall be shown unless proven to be unknown to the petitioner; provided, that if such child sought to be adopted is, by previous order of a juvenile court, or a court of like jurisdiction under the legal guardianship and permanent custody of the State Child Welfare Department or of an institution or agency licensed by the State Child Welfare Department for the care of children, then the names of parents may be omitted from such petition, in which case the court shall cause such allegation and the petition to be verified. B. INVESTIGATION BY STATE CHILD WELFARE DEPARTMENT, OR ITS DULY AUTHORIZED AGENTS. HEARING OF PETITION. Upon the filing of a petition for the adoption of a minor child a copy of such petition, together with a statement containing the full names and permanent address of the child and the petitioners shall be served by the court receiving petition within five days on the State Child Welfare Department of Alabama by registered mail or personal service. It shall then be the duty of the State Child Welfare Department. through its own field agents, or through such other agencies and institutions in the county licensed by the Department for the care and placement of children, or through the county child welfare superintendent of the county of the court hearing petition, or the probation officer of the juvenile court or court of like jurisdiction of the county, under the department's supervision, to verify the allegations of the petition, to make a thorough investigation of the matter and to report its findings in writing to the court. The report shall show among other things:—(1) Why the natural parents, if living, desire to be relieved of the care, support and guardianship of such child; (2) Whether the natural parents have abandoned such child or are morally unfit to have its custody; (3) Whether the proposed foster parent or parents, is or are financially able and morally fit to have the care, supervision and training of such child; (4) The physical condition and also the mental condition of such child insofar as this can be determined. Upon the day so appointed the court shall proceed to a full hearing of the petition and the examination of the parties in interest, under oath, with the right of adjourning the hearing and examination from time to time as the nature of the case may require. If the report of the State Child Welfare Department or its duly authorized agents, as provided herein, disapprove of the adoption of the

child, motion may be made to the court to dismiss the petition. C. CONSENT WHEN NECESSARY, EXCEPT AS HEREIN PROVIDED. No adoption of a minor child shall be permitted without the consent of his parents, but the consent of a parent who has abandoned the child, or who cannot be found, or who is insane or otherwise incapacitated from giving such consent, or who has lost guardianship of the child, through divorce proceedings, or by the order of a juvenile court or court of like jurisdiction, may be dispensed with, and consent may be given by the guardian if there be one, or if there be no guardian by the State Child Welfare Department. In every such case the court shall cause such further notice to be given to the known kindred of the child as shall appear to be just and practicable. In case of illegitimacy the consent of the mother alone shall suffice except where paternity has been established. In all cases where the child is over 14 years old his own consent must be had also. D. DECREE, REVOCATION OF ORDER. ANNULMENTS. REPORTS. If the court is satisfied that the natural parents have just cause for desiring to be relieved of the care, support and guardianship of said child, or have abandoned the child, or are morally unfit to retain its custody, that the petitionering foster-parent or parents is or are financially able and morally fit to have the care, supervision and training of such child; that such child is suitable for adoption in a private family home, and that such change of name and guardianship is for the best interest of such child, it shall make an interlocutory order setting forth the facts and declaring that from the date of the final order of adoption in such case, if such final order be afterwards entered, as hereinafter provided, such child, to all legal intents and purposes, will be the child of the petitioner or petitioners and that its name may be thereby changed. Such final order of adoption shall not be granted until the child shall have lived for one year in the home of the petitioner and shall have been visited during the said period at least once in every three months by an agent of the State Child Welfare Department or its duly authorized agents as provided herein. At any time before the entry of such final order of adoption, the court may revoke its interlocutory order for good cause, either of its own motion or on the motion of the State Child Welfare Department or its duly authorized agents as provided herein, or on the motion of the natural parent or parents of such child, the original petitioner or petitioners, but no such revocation shall be entered unless ten days notice in writing shall have been given to the original petitioner or petitioners (unless he or they make the motion), or unless the original petitioner or petitioners shall have been given an opportunity to be heard. If at any time after his adoption the adopting parents fail faithfully to perform their obligation to the child, or if within five years after his adoption, a child develops feeblemindedness, epilepsy, insanity or

venereal disease, as a result of conditions existing prior to adoption, and of which the adopting parents had no knowledge or information, a petition setting forth such conditions may be filed in the court which entered the decree of adoption and if such conditions are proved to the satisfaction of the court, such adoption may be declared null and void. The court shall thereupon make proper disposition of such child by commitment to an appropriate state institution as provided in the laws of Alabama, or refer such child to the juvenile court or court of like jurisdiction of the county in which he resides or is found. Upon the entry of a final order of adoption the judge or the clerk of the court shall notify the State Child Welfare Department of the action taken, giving the names and addresses of the natural parents, if known, or of the child's next of kin, the age and the name of such child before and after adoption, and the names and addresses of the foster-parents. Said State Child Welfare Department shall likewise be notified of any subsequent revocation of such order of adoption or of any annulment of adoption. Copies of all reports of adoptions and reports of revocations of order of adoption and of annulments shall be mailed to the Registrar of Vital Statistics of the State Department of Health. Upon receipt of copy of any final order of adoption the State Registrar of Vital Statistics shall cause to be made a new record of the birth in the new name, and with the name or names of the adopting parent or parents. He shall then cause to be sealed and filed the original certificate of birth with the decree of the court, and such sealed package shall only be opened upon the demand of said child, or his natural or adopting parents, or by the order of a court of record. Upon receipt of copy of order of annulment of adoption, he shall restore the original name of the child and the names of his parents to the record of birth of such child. E. RECORD OF PETITION. DECREE AND PROCEEDINGS. STATUS OF ADOPTED CHILD. The petition and all decrees in adoption proceedings shall be recorded in a book kept for that purpose and properly indexed; such book shall be a part of the permanent records of the probate court in which such proceedings are had and all reports and affidavits shall be properly filed. The files and records of the court in adoption proceedings shall not be open to inspection, or copy, by other persons than the parties in interest and their attorneys, and representatives of the State Child Welfare Department, except upon an order of the court expressly permitting the same. When the final decree of adoption shall have been entered the natural parents of the child if living shall be divested of all legal rights and obligations due from them to the child or from the child to them; and the child shall be free from all legal obligations of obedience or otherwise to such parents; and the adopting parent or parents of the child shall be invested with every legal right in respect to obedience and maintenance on

the part of the child as if said child had been born to them in lawful wedlock, and the child shall be invested with every legal right, privilege, obligation, and relation in respect to education, maintenance and the rights of inheritance to real estate, or to the distribution of personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock. Nothing in this act shall be construed as debarring a legally adopted child from inheriting property from its natural parents or other kin. F. ADOPTION BY STEPFATHER OR STEPMOTHER. A man who marries the mother of a minor child or children, or a woman who marries the father of a minor child or children, may petition the probate court of his or her county of residence for leave to adopt such minor child or children and if desired, for a change of the name or names of such minor child or children. G. UNLAWFUL TO ADVERTISE UNLESS WITH THE APPROVAL OF THE STATE CHILD WELFARE DEPARTMENT. It shall be unlawful for any person or persons, organizations, hospitals, or associations which have not been licensed by the State Child Welfare Department to advertise that they will adopt children or place them in foster homes, or hold out inducements to parents to part with their offspring, or in any manner knowingly become a party to the separation of a child from its parent, parents or guardian except through the commitment of a juvenile court or other court of like jurisdiction. H. PENALTY. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not more than $100.00 or imprisoned in the county jail for not more than three months, one or both in the discretion of the trial court. It shall be the duty of the State Child Welfare Department to enforce the provisions of this Section. I. If any part of this Section be declared unconstitutional by any court of competent jurisdiction, such decision shall not affect the remainder thereof. J. All laws and parts of laws in conflict with or inconsistent with the provisions of this Section are hereby repealed."

Approved July 17, 1931.

No. 408) (S. 410—Craft

AN ACT

To provide for and submit to the qualified electors of this State an amendment to the constitution of Alabama authorizing the city of Mobile without an election to annually levy and collect an ad valorem tax at such rate as may from time to time be fixed by the governing authorities of said city, to pay the expenses of the city government, but prescribing a limit upon the amount of ad valorem taxes that may be levied by said

city for all purposes and ordering an election by the qualified voters of the State upon such proposed amendment and fixing the time for holding said election.

Be it Enacted by the Legislature of Alabama:

Section 1: That the following amendment to the Constitution of the State of Alabama is hereby proposed, viz: "The City of Mobile shall be, and it is hereby authorized and empowered, without an election, to annually levy and collect a tax on the property situated therein, to pay the expenses of the City Government, at such rate as may from time to time be fixed by the governing authorities of said City, but unless and until an amendment to the Constitution of Alabama shall be adopted, permitting said City after an election or elections to levy and collect taxes amounting in the aggregate to more than one and one-tenth (1.1) per centum of the value of the property situated therein, as assessed for State taxation during the preceding year, the total of the ad valorem taxes levied in any one tax year by said municipality for all purposes (including any tax levied to pay the debt existing on the 6th day of December, 1875, with interest thereon, or any renewal of such debt) shall not exceed in the aggregate one and one tenth (1.1) per centum of the value of such property as assessed for State taxation during the preceding year."

Section 2: It is hereby ordered and directed that an election by the qualified electors of this State upon the amendment proposed in Section 1 of this Act shall be held on the second Tuesday next after five months after the date of the final adjournment of this session of the Legislature.

Section 3: Notice of the election hereby ordered together with the amendment proposed in Section 1 hereof, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in each county in the state, for at least eight successive weeks next preceding the day hereby appointed for said election.

Section 4: The expense of the election herein provided for and the cost of publication of the notices shall be paid as is or may be provided by law.

Section 5: If any provision of this Act shall be held invalid such holding shall not affect nor invalidate any other provision hereof which is not in itself invalid.

Passed the Senate June 25, 1931.

Passed the House July 9, 1931.

No. 411.) (S. 558—Craft

AN ACT

To provide for the establishment and maintenance of a Bureau of Identification consisting of a complete Bertillon, finger print, and photographic system of identification in all counties of the State having a population of not less than one hundred and five thousand (105,000), nor more than three hundred thousand (300,000) according to the last or any subsequent Federal Census, or which may hereafter have such a population; and to provide that in such counties where there are cities of fifty thousand (50,000) or more population according to the last or any subsequent Federal Census, that the expenses, including the salaries of the Clerks and employees of such Identification Bureaus, shall be equally borne by such city or cities and the counties; and to provide for the establishment of such Bureaus for the benefit of such cities and counties at the police stations and the county jails of such cities and counties; and to provide for the salaries of the employees of such Bureaus of such cities and counties, and to provide for the appointment of such employees; and to provide that in the event there is more than one city of a population of fifty thousand (50,000) or more in such counties, then the cities of such population shall defray one half of the expenses of the identification system in such cities and counties, including the salaries of such employees.

Be it Enacted by the Legislature of Alabama:

Section 1. That there shall be established in all counties in this State having a population of not less than one hundred and five thousand (105,000) and not more than three hundred thousand (300,000) according to the last or any subsequent Federal Census, and in counties which may hereafter have such population, a Bureau of Identification, consisting of the complete Bertillon, finger print and photographic system of identification, and where there is in such counties having such population a city or cities of fifty thousand (50,000) or more inhabitants according to the last Federal Census or any subsequent Federal Census, there shall be established a Bureau of Identification of the same system at the police station in said city and also at the county jail of such county.

Section 2. There shall be appointed by the Sheriffs of such counties a Clerk whose duty it shall be to superintend and direct the identification system in such counties and cities both at the office of the Bureau, at the police stations, and at the county jail. Such Clerk may be appointed for the term of the Sheriff, or such other term as the Sheriff may elect or prescribe and shall serve at the will and pleasure of the Sheriff, of such counties, but may not be appointed for longer term than that of the Sheriff so appointing him. The salary of such Clerk for the services performed under this Act shall be One Hundred and Seventy-Five ($175.00) Dollars per month, payable out of the County Treasury, such salary to be a preferred claim against such counties.

Section 3. The Clerk appointed under the provisions of this Act shall record identification photographs, measurements and

finger prints of all persons charged with criminal offenses, which in the opinion of such Sheriff and the Chief of Police of the cities, should be recorded and shall perform such other duties as he shall be directed to by the Sheriff and the Chief of Police.

Section 4. All supplies and equipment necessary for the establishment and maintenance of such bureaus of identification shall be furnished by the Board of Revenue, or other like governing body of such counties upon requisition of the Sheriff and/or the Chief of Police of the cities upon the certificate of such Sheriff and/or Chief of Police that such supplies and equipment is necessary.

Section 5. The expenses of the provisions for enforcement of this Act and maintaining and establishing such Bureaus of Identification shall be borne equally by the counties and cities, and in the event there is more than one city of the population mentioned in Section 1 of this Act in counties of the population mentioned above in Section 1 of this Act, then the county shall defray only one half of the expenses of the establishment and maintenance of the Bureaus of Identification in the county, and the cities shall in equal part defray the other half of the expenses of such Bureau. The Board of Revenue or other like governing body of the counties of the population mentioned in Section 1 of this Act, shall render to the city Council or Board of City Commissioners or other like governing body of such cities in counties of the population mentioned in Section 1 of this Act, an itemized bill each month of the expenses and salaries for the establishment and maintenance of such Bureau incurred by such cities under this Act in the amount it is provided herein that such cities shall bear the expenses incurred under this Act, and such City Council or Board of City Commissioners, or other like governing body of such cities shall pay or cause to be paid into the County Treasury of such counties the prorata of expenses provided herein.

Section 6. This Act shall become effective from and after its passage and approval.

Section 7. All laws and parts of laws either general, local, or special in conflict with the provisions of this Act are hereby expressly repealed.

Approved July 17, 1931.

No. 412) (S. 569—Darden

AN ACT

To declare deposits in a bank or depository by or for a tax collector or other public officer, in all counties of this state which now have or which may hereafter have a population of not less than 17,000 inhabitants and not more than 18,000 inhabitants according to the last Federal Census or any such census which may hereafter be taken, prima facie public money

and a trust fund, and not liable to be taken by creditors of such bank or depository or officer, though intermingled with or converted into other assets of such bank or depository; and in case of insolvency of such institution to be a preferred claim against same; and to declare this act effective in cases of any banks or depositories now in process of liquidation as well as in matters hereafter affected and governed by the terms of this Act.

Be it Enacted by the Legislature of Alabama:

Sec. 1. All money and funds deposited in a bank or other depository by or for any tax collector or other public officer, having the custody of public funds, state, county or municipal, in all counties of this state which now have or which may hereafter have a population of not less than 17,000 inhabitants and not more than 18,000 inhabitants, according to the last Federal Census or any such census which may hereafter be taken, whether the same be deposited in the name of the officer as an individual or as an officer, or in the name of any other person is prima facie public money and a trust fund, and is not liable to be taken by the general creditors of the officer or by the creditors of the depository, and this relation of such funds shall exist, though such funds have been intermingled with or converted into other assets of said bank or depository; and in case said bank or depository becomes insolvent and fails and closes its doors, said trust funds shall be a preferred claim against said bank or depository, out of its assets and funds.

Sec. 2. The terms of section 1 shall govern in all cases where a bank or depository has closed its doors and is now in process of liquidation,—as well as in all matters governed by said section 1 that may transpire after the enactment of this act.

Sec. 3. If any section or provision of this act shall be declared invalid or unconstitutional, the validity of the remainder of the act shall not be affected thereby.

Sec. 4. This act shall become effective upon its approval by the Governor; and all laws and parts of laws in conflict herewith are hereby specifically repealed.

Approved July 17, 1931.

No. 414) (H. 347—West

AN ACT

To amend an Act approved August 11th, 1927, entitled "An Act to create the office of County Attorney in all counties in this State, having a population of 200,000 or more according to the last or any subsequent Federal Census, to prescribe the method of their election, to fix their term of office, to prescribe the duties of said office, to fix the compensation thereof and the method of their removal."

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 3 of an Act approved August 11th, 1927, entitled "An Act to create the office of County Attorney in

all counties in this State, having a population of 200,000 or more, according to the last or any subsequent Federal Census, to prescribe the method of their election, to fix their term of office, to prescribe the duties of said office, to fix the compensation thereof and the method of their removal" be amended so as to read as follows: Section 3. That it shall be the duty of such County Attorney to defend all suits brought against such County, to prosecute all suits for the County at the request of its governing body, to act in an advisory capacity to all its County officers including the Superintendent of Education and the Board of Education except the Sheriff; to defend all suits brought against any County officer arising out of their duties as such officer except the Sheriff; and when requested in writing to render opinions on all matters involving the operations of all such officers. The written opinion of the County Attorney in such counties when secured by a County officer legally entitled to secure such an opinion shall protect such officer to whom it is directed from liability to either the State, County or other Municipal sub-division of the State because of any official act or acts performed as directed or advised in such opinion.

Section 2. That Section 5 of said Act be amended so as to read as follows: Section 5. That it shall be the duty of such County Attorney to maintain an office at the County seat in all such counties for the convenience of the public and may incur any needful expenses for the operation thereof including clerical assistants which expense shall, on the order of such attorney, be a legal charge against the General Fund of such County. That all items of expense in connection with said office shall be paid to such County Attorney but only on an itemized and duly verified claim filed by him with receipts attached thereto showing the actual expenditure of all items included therein.

Approved July 17, 1931.

No. 416) (H. 472—Morrow

AN ACT

Relating to expenses to be borne by Boards of Education of cities having a population of 200,000 inhabitants or more, according to the last or any subsequent Federal Census.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the City Board of Education of each city of the State of Alabama having a population of two hundred thousand inhabitants or more, according to the last or any succeeding Federal Census, to cause to be paid out of its general operating revenue all lawful expenses incurred in calling and holding any special election to secure authorization for issuance

of bonds or levy of taxes for use of such City Board of Education, together with the lawful expenses of taking any school census now or hereafter authorized to be taken by or through such City Board of Education; provided, however, that any such expenses which it may now be lawful to pay out of the proceeds of a bond issue may continue to be so paid.

Approved July 17, 1931.

No. 417) (H. 523—Goodwyn

AN ACT

To regulate the practice of Architects and to create a State Board of Registration of Architects. With general control and supervision of such regulations; to provide fees and expenses for such board and to fix penalties for any violation of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. In order to safeguard life, health and property any person practicing or offering to practice as an Architect in this State shall be required to submit evidence that he is qualified to practice and shall be registered as hereafter provided and from and after one year after this Act becomes effective it shall be unlawful for any person to practice or offer to practice in this State as an Architect except in compliance with the provisions of this Act.

Section 2. Nothing contained in this Act shall prevent draftsmen, students, clerks-of-work, superintendents and other employees of those lawfully practicing as registered architects under the provisions of this Act, from acting under the instructions, control or supervision of their employers, or to prevent the employment of superintendents of the construction, enlargement or alteration of buildings or any appurtenances thereto, or prevent such superintendents from acting under the immediate personal supervision of the registered architect by whom the plans and specifications of any such buildings, enlargement or alteration work prepared. Nor shall any thing contained in this Act prevent persons who were known as Architects before this Act went into effect who have not applied for and obtained registration as Architects after it went into effect, or engineers, mechanics or builders from making plans and specifications or supervising the erection, enlargement or alteration of buildings, or any appurtenance thereto for other persons, firms or corporation, or for themselves, provided that the plans and specifications for such construction are signed by the authors thereof with the true appellation of his or her actual occupation in life, such as "Engineer," or "Mechanic," or "Builder," without the use

of any form of the word or title "Architect" or "Architects". Appointment Of The Board.

Section 3. To carry out the provisions of this Act there is hereby created a State Board for Registration of Architects hereinafter referred to as the Board, consisting of five members, who shall be appointed by the Governor, within ninety days after the approval of this Act. The first five members of said Board shall be architects qualified for registration under this Act. All subsequent appointments as members of the Board shall be architects registered and licensed under the provisions of this Act, and said Board shall be appointed from the following districts; two from the central district, one of whom shall be the Dean of the School of Architecture of the Alabama Polytechnic Institute; one from the southern district, and two from the Northern district. The Northern district shall comprise all territory in the State of Alabama North of thirty three degrees North latitude, the Central district shall comprise all territory in the State of Alabama between thirty-two and thirty three degrees North Latitude, and the Southern district shall comprise all territory in the State of Alabama south of thirty two degrees North latitude. Of the members of the Board first appointed hereunder, one shall hold office for one year from the date of said appointment, one for two years, one for three years, and one for four years, and until his successor shall have been duly appointed and qualified. The term of office of the succeeding members of said Board shall be four years. The fifth member of the Board, the Dean of the School of Architecture of the Alabama Polytechnic Institute, shall hold office continuously. Vacancies in the membership of the Board, however created, shall be filled by appointment by the Governor for the unexpired term. Certificates, Privileges and Powers of the Board.

Section 4. Each member of the Board shall receive a certificate of appointment from the Governor, and before beginning his term of office, shall file with the Secretary of the State the Constitutional oath of office. Each member of the Board first created shall receive a certificate of registration under this Act from the Governor of the State. The Board or any committee thereof, shall be entitled to the services of the Attorney General in connection with the affairs of the Board, and the Board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The Board shall adopt and have an official seal which shall be affixed to all certificates of registration granted. Said Board shall have power and authority to make and adopt all by-laws and rules not inconsistent with the provisions of law in order to comply with the provisions of this Act. Organization And Meeting Of The Board.

Section 5. The Board shall hold a meeting within thirty days after its members are first appointed and qualified and thereafter shall hold at least two regular meetings each year. The Board shall elect annually a Chairman, who must be a member of said Board and a secretary, who may or may not be a member of said Board and the Board shall employ such other assistants as may be necessary in the carrying out of the provisions of this Act. The Board shall have the power to fix the compensation of the Secretary and other employees. A quorum of the Board shall consist of not less than a majority of the members of said Board. Receipts And Disbursements.

Section 6. The Secretary of the Board shall receive and account for all monies derived from the operation of this Act and all moneys received by the Board under the provisions of this Act shall be by the Secretary certified into the State Treasury to the Credit of the Fund of the Board for Registration of Architects, who shall keep such monies in a separate fund to be known as the "Fund of the Board for Registration of Architects," which fund shall be drawn against only for the purpose of this act as herein provided, and any part of such fund as shall remain unexpended at the end of each calendar year shall be transferred to the General Fund of the State of Alabama. Each member of the Board shall receive ten dollars per day for attending sessions of the Board or its committees, and for time actually spent in necessary travel in attending meetings of said Board or its Committees and in addition shall be reimbursed for necessary traveling and clerical expenses incurred in carrying out the provision of this act. All expenses certified by the Board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, office rent and supplies, shall be paid out of said fund on the warrant of the Auditor of the State, issued on requisitions signed by the Chairman and Secretary of the Board, provided however, that at no time in any one calendar year shall the total amount of warrants issued exceed the total amount of funds accumulated under this act. The Secretary of the Board shall give a surety bond in a Surety Company qualified to business in Alabama in the sum of $3,000.00 payable to the State of Alabama and conditioned for the faithful performance of his duties under this Act. The premium on said bond shall be paid out of monies in the State Treasury of the credit of the "Fund of the Board for Registration of Architects." Reports.

Section 7. On or before the first day of April of each year the Board shall submit to the Governor a report of its transactions for the preceding year, together with a complete statement of receipts and disbursements of the Board, certified by the Chairman and the Secretary, and a copy of the said roster of registered

Architects. A copy of this report shall be filed with the Secretary of State. Certificates of Registration.

Section 8. The Board shall receive applications for registration as an Architect only on forms prescribed and furnished by said Board and upon the receipt of such application and the payment of a fee of $25.00 to said Board shall issue to such applicant a certificate of registration as an Architect provided such applicant meets the following requirements. 1. Any person, who is at the time of the passage of this Act, engaged in the practice of Architecture under a license in this State and who shall present to the said Board an affidavit to that effect within ninety days, after the passage of this Act shall be entitled to receive such certificate to practice architecture without an examination by said Board, or— 2. Any person who holds a like unexpired certificate issued to him by proper authority in the District of Columbia or any State or territory of the United States, or in any province of Canada in which the requirements for the registration of Architects are of a standard satisfactory to the Board shall be entitled to receive such certificate to practice architecture without an examination by said Board. The following facts established in the application shall be regarded as prima facie "evidence" satisfactory to the Board that the applicant is fully qualified to practice architecture. Graduation after a course of not less than four years in architecture from a school or college approved by the Board as of satisfactory standing and an additional one year of actual engagement in architectural work. Full membership in the American Institute of Architects or such other national or state architectural societies as may be approved by the Board. In determining the qualifications for registration, a majority vote of the member of the Board shall be required. In case the Board denies the issuance of a certificate to an applicant the registration fee paid by the applicant shall be repaid by the Board to said applicant. Certificates of registration shall expire on the last day of December following their issuance or renewal and shall become invalid on that day unless renewed. Renewal may be affected at any time prior to or during the month of December by the payment of a fee of Five Dollars. Penalty or penalties not to exceed the sum of $5.00 may be added by the Board to the registration fee for failure to register on or before the last day of each December. Revocations And Reissuances Of Certificate.

Section 9. The Board shall have the power to revoke the certificate of registration of an Architect registered hereunder who is found guilty of any fraud or deceit in obtaining a certificate of registration or of gross negligence, incompetency, or misconduct in the practice of architecture. Seals.

Section 10. Each registrant hereunder must upon registration obtain a seal of the design authorized by the Board, bearing the

registrant's name and the legend "Registered Architect." Plans, specifications, plates and reports issued by a registrant must be stamped with the said seal during the life of a registrant's certificate, but it shall be unlawful for any one to stamp or seal any document with said seal after the certificate of the registrant named thereon has expired or has been revoked. Any person guilty of violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than $50.00 nor more than $300.00. Unlawful Acts and Penalties.

Section 11. Any person who after this Act has been in effect one year and who is not legally authorized to practice as an Architect in this state according to the provisions of this Act and shall so practice or offer to so practice in this State, except as provided in section 12 of this Act, and any person presenting or attempting to file as his own the certificate of registration of another or who shall give false evidence of any kind to the Board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate another practitioner, of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than $50.00 nor more than $300.00. Exemptions.

Section 12. The following persons shall be exempted from the provisions of this Act:—1. Any person engaged in architectural work as an employee of a registered architect, or as an employee of an architect authorized to practice Architecture without registration as hereinafter provided. 2. Practice of architecture by any person not a resident of and having no established place of business in this State, who however, is a consulting associate of an architect registered under the provision of this Act, provided the non-resident is qualified for such professional services in the State of his residence. 3. Practice of architecture solely as an officer or as an employee of the United States, or of the State of Alabama. Corporations Or Partnerships.

Section 13. A corporation or partnership may engage in the practice of architecture in this State; provided the person or persons connected with such corporation or partnership in responsible charge of such practice is or are registered as herein required or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnerships as apply to individuals under this act. Repeal Of Conflicting Legislature.

Section 14. All laws or parts of laws in conflict with the provisions of this Act, are herely repealed. Provided that nothing herein contained shall be construed as repealing or modifying in any manner the license now imposed by law on each Architect practicing in the State of Alabama.

Section 15. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not in itself void and unconstitutional.

Section 16. This Act shall take effect immediately upon its passage and the approval of the Governor.

Approved July 17, 1931.

No. 421) (H. 614—Sossaman

AN ACT

To require the governing bodies of cities in this State, which according to the last or any subsequent Federal Census have a population of as much as 68,000 and not more than 200,000 inhabitants, before making final any assessment for any public or improvements, to cause the city clerk to mail a bill therefor to the owner of such property, as shown on the assessment roll or assessment book prepared in accordance with the provisions of Section 2191 of the Code of 1923, but providing that this Act shall not apply to assessments made or to be made in connection with any improvement venture now pending or heretofore instituted, and providing further that no defect or alteration in any such bill, nor error in addressing the same, or in the address of the owner, or mistake of the city Clerk in sending the bill to the wrong address, nor failure of the owner or addressee to receive the same, shall affect or invalidate any such assessment, and providing that the certificate of the City Clerk appended to the assessment roll, or inserted in the assessment book, to the effect that such clerk has mailed bills in accordance with the requirements of this act, shall in all courts and in all proceedings be taken and considered as prima facie establishing the fact of compliance herewith, and providing a penalty upon any City Clerk who shall neglect to perform the duties herein required of him.

Be it Enacted by the Legislature of Alabama:

Section 1. That at least twenty days in advance of the date which shall be fixed by the governing authorities of any city in this state, which according to the last or any subsequent Federal census has a population of as much as 68,000 and under 200,000 inhabitants, as the date for making final any assessment or assessments for any public improvement or improvements, such governing authorities shall cause to be mailed by the City Clerk, postage prepaid (by registered mail) to the owners of each piece of property proposed to be assessed, as such owners and addresses are shown on the Assessment Roll or Assessment Book prepared in accordance with the provisions of Section 2191 of the Code of 1923, a bill showing the amount proposed to be assessed against the property of such owners for such improvements.

Section 2. No defect or error in any such bill, nor error in addressing the same, or in the address of the owner, or mistake of the city or town clerk in mailing the bill to the wrong address:

nor failure of the owner or addressee to receive the same, shall affect or invalidate any such assessment. The certificate of the city or town clerk appended to the Assessment Roll, or inserted in the Assessment Book, to the effect that such clerk has mailed bills in accordance with the requirements of this Act, shall in all courts and in all proceedings be taken and considered as prima facie establishing the fact of compliance herewith.

Section 3. Any City Clerk who shall neglect to perform the duty herein imposed upon him, shall be liable in damages to any person injured by such neglect, to a penalty of Two Hundred Fifty ($250.00) Dollars, which may be recovered by suit in any Circuit Court.

Section 4. This Act shall not apply to any improvement venture now pending or heretofore instituted by the governing authorities of any such city.

Section 5. This Act shall go into effect upon its passage and approval.

Approved July 17, 1931.

No. 428) (H. 809—McDonald.

AN ACT

To authorize the governing board of any county to appropriate county funds toward a partial payment of the cost of public improvements made by any city or town of the streets and sidewalks around or abutting the block or lot occupied by any building belonging to the county, in all cases where such improvements have been heretofore made and in all cases where such improvements are hereafter made, and to release, relieve and discharge from any and all liability all County Treasurers who have paid monies to any city or town for such public improvements, and to ratify and confirm all such payments heretofore made.

Be it Enacted by the Legislature of Alabama:

Section 1. Courts of County Commissioners and Boards of Revenue of the several counties are hereby authorized and empowered to appropriate county funds not otherwise appropriated or set apart by law toward a partial payment of the cost of public improvements made by a city or town of the sidewalks and streets around the lot or block occupied by any building belonging to the county, whether such improvements have been heretofore made or are hereafter made.

Section 2. No appropriation made under the authority of the Act for improvements hereafter constructed shall exceed the cost of such improvement provided, however where the governing board of any County shall elect to pay the cost of such improvement in installments the appropriation made include interest on deferred installments at not more than six per cent per annum.

Section 3. In cases where public improvements have been heretofore made around the block or lot occupied by buildings owned by the county no appropriation made under the authority of this Act shall exceed the cost of such improvements plus interest at the rate of six per cent per annum from the completion of such improvement.

Section 4. That the county treasurer of every county who has heretofore paid county money to any city or town for public improvements around or abutting any lot or block occupied by buildings belonging to such county is hereby released, relieved and discharged from any and all liability for any and all sums of money so paid, and all payments heretofore made for such improvements by any county are hereby ratified and confirmed.

Approved July 17, 1931.

No. 429) (H. 818—Sanderson

AN ACT

To make all persons in all counties of Alabama having a population of not less than seventy-five thousand and not more than one hundred and ten thousand, according to the last or any subsequent Federal Census, except such persons as are by law exempt from road duty, liable to work on the public roads.

Be it Enacted by the Legislature of Alabama:

Section 1. That all persons in all counties of Alabama having a population of not less than seventy-five thousand and not more than one hundred and ten thousand, according to the last or any subsequent Federal Census, except such persons as are by law exempt from road duty, shall be liable to work on the public roads.

Section 2. That no person subject to road duty under the provisions of Section 1 of this Act shall be liable to work for more than ten days in any one year.

Section 3. That Courts and county commissioners, boards of revenue or courts of like jurisdiction of such counties may accept a money compensation not to exceed Ten Dollars ($10.00) per annum per capita for those liable for road duty in lieu of the labor required by law upon the public roads and provide for time of payment of the same. Said money to go into the road fund of said County, and be appropriated exclusively for the maintenance and improvement of the public roads of such county.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved July 17, 1931.

No. 431) (H. 880—Barber

AN ACT

To Create The Office Of Commissioner Of Licenses In All Counties In This State Having A Population Of 300,000 Or More According To The Last Or Any Subsequent Federal Census, To Prescribe The Duties Thereof, Define The Powers, Fix The Term Of Office, The Method Of Election Of Such Commission And To Provide For The Compensation Of Said Officer; To Provide For The Necessary Clerical Assistants In Said Office And To Further Provide That Each Commissioner Of Licenses Shall Assess For Taxation And Collect The Ad Valorem Taxes And Issue The Licenses And Distribute The Tags On All Motor Vehicles In Such Counties And To Transfer The Duties From The Tax Assessor, Tax Collector And Probate Judge In Such Counties To The Commissioner Of Licenses Of All Matters Relative To The Registration, Assessment For Taxes, Collection Of Ad Valorem Taxes And Issuance Of Licenses, And Distribution Of Tags For Motor Vehicles.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census there is hereby created the office of Commissioner of Licenses. That the County Commission or like governing body in each such counties shall after this act becomes law, and each six years thereafter, appoint a Commissioner of Licenses who shall serve for a term of six years and until his successor is elected and qualified. That the salary of the Commissioner of Licenses shall be $5,000.00 per annum, payable in equal monthly installments out of the County Treasury.

Section 2. That said Commissioner of Licenses shall be a County officer and shall maintain his office in the Court House at the County seat and shall be subject to impeachment for the same causes and in the same manner as other County officers. Any vacancy in the offices of the Commissioner of Licenses occasioned by death, resignation or removal shall be filled by a majority vote of the County Commission or like governing body of such counties.

Section 3. That the Commissioner of Licenses herein provided for may appoint a sufficient number of clerks and assistants to properly perform the duties of the office and the clerks or other employees so appointed by him shall be subject to the approval of the County Commission and the number of clerks and employees in such office and their compensation shall be fixed by the County Commission of such Counties.

Section 4. That before entering upon the duties of his office the Commissioner of Licenses shall take the oath of office prescribed by the Constitution and enter into bond in such sum as may be fixed by the County Commission or like governing body of such County, giving as surety thereon a bonding company authorized to do business in this State which bond shall be con-

ditioned as other official bonds are conditioned and be approved by and filed with the Probate Judge of such county.

Section 5. That all stationery, equipment and supplies necessary for the conduct of said office shall be furnished by the County Commission of such county except such stationery as the law now requires to be furnished by the State Tax Commission or the State Auditor.

Section 6. That it shall be the duty of the Commissioner of Licenses in their respective counties to collect and issue all licenses for exercising any right or privileges for which a license is required, marriage licenses, hunting licenses, chauffeur licenses, licenses for motor vehicles and any or all other licenses which are now or which may hereafter be required by law to be paid to the State of Alabama, and/or the counties thereof.

Section 7. Before any person, firm, or corporation shall engage in or carry on any business or do any act for which a license by law is required, he, they or it, except as otherwise provided, shall pay to the Commissioner of Licenses of the County in which it is proposed to engage in or carry on such business or do such act, the amount required for such licenses, and shall comply with all the other requirements of this Act; and upon the payment of such amount and a fee of Fifty Cents to the Commissioner of Licenses for the issuance of such license, and all costs and fees and penalties which shall have accrued, or for which such person, firm or corporation shall have become liable in any proceedings commenced for the collection of such license, or to enforce payment thereof, and upon compliance with all other provisions of this Act by the applicant, such Commissioner of Licenses shall issue the license counter-signed by him, in the form and on the blank to be furnished to him by the State Auditor, which shall set forth and specify the name of the person, firm or corporation, applying therefor, the business or act which it is proposed to carry on or do thereunder, the name of the street or location where it is proposed to carry on the same, if such location shall be in a city or town and have a street number, and if not, then the location and amount paid for such license, and the time for which it is issued; and if the license is for a peddler it shall state whether he proposes to travel on foot or on horseback or on wagon or motor vehicle; and such license shall not be transferable, nor shall it entitle the holder thereof to carry on any other business or do any other act than that named therein, nor at any other location than that therein specified. Provided, that in case that it should become necessary to remove any business for which a license is required by this section, from one location to another location in the same city or town, and such business be continued as the same kind and character and by the same person or firm as that carried on at the former loca-

tion, another license shall not be required for such business for the same license year.

Section 8. In all cases where the amount to be paid for license depends upon the amount of capital invested, or the value of the goods or stock, or the amount of sales, or receipts, or any other fact or condition hereinbefore recited, it shall be the duty of the person applying for such license to render to the Commissioner of Licenses a sworn statement of the amount of the capital invested, of the value of the goods or stock, or amount of sales or receipts, and to make under oath such further proof or affidavit as may be required by the Commissioner of licenses to determine the character of the license, and the amount to be paid for the same.

Section 9. Upon the issuance of any license the Commissioner of Licenses must before detaching the license from the stub, fill up the blank spaces in the stub to correspond in all respects, with the licenses as issued, and sign his name thereto.

Sction 10. Commissioner of Licenses shall keep in a book prepared for that purpose an accurate account of all licenses received by him from the State Auditor, and of the disposition made of them, and of all money received from licenses issued by him, and make report thereof to the State Auditor within ten days after the expiration of the fiscal year, at which time he shall return to the State Auditor all unused licenses, and shall also return to the State Auditor the stubs of all licenses, and shall also return to the State Auditor the stubs of all licenses issued by him and the Commissioner of Licenses shall on demand of the State Auditor, at any time, exhibit to him or to any agent appointed by the State Auditor for that purpose, such license record and the original of all licenses then remaining in his hands, and all stubs of licenses issued.

Section 11. In all such counties where officials are paid on a salary basis instead of a fee basis, all fees required under the terms of this Act to be paid to or collected by such officials shall by said officials be collected, and paid to the treasurer of said county or to such official performing the duties of county treasurer except as herein otherwise provided.

Section 12. The Commissioner of Licenses must on the first day of the terms of each circuit court, or other court of like jurisdiction, held in his county, furnish to the acting solicitor, to be by him laid before the Grand Jury, a statement in writing showing the licenses granted and the amount received thereon within the last twelve months preceding such court, to whom and for what business the said license was granted.

Section 13. Any person who through a mistake or error on the part of the Commissioner of licenses has paid to the Commissioner of Licenses money that was not due from him for such license, or by such mistake has paid to the Commissioner of Licenses for such license an amount in excess of that required by

law for the business to be carried on by such person under the licenses, such person shall be entitled to have refunded to him the amount in either event so erroneously collected by the Commissioner of Licenses, and the provisions of this section shall apply to cases where money has heretofore been erroneously paid, within two years before the approval of this Act.

Section 14. On the application of any such person, his executor, administrator, or assigns, the Commissioner of Licenses for the County in which such license was taken out shall proceed to ascertain the amount due such applicant under the provisions of the preceding section, and shall grant such certificate as will enable the State Auditor and the court of county commissioners to draw his warrant or their order, respectively, and such warrant or order shall be paid out of any moneys in the State Treasury, or the County Treasury, not otherwise appropriated.

Section 15. To prevent motor vehicles from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, on and after the first day of October, 1923, no license shall be issued to operate a motor vehicle on the public highways of this State, nor shall any transfer be made by the Commissioner of Licenses as provided under this Act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the Commissioner of Licenses where the owner of said vehicle resides, if the vehicle is owned by an individual, and if the vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the Commissioner of Licenses in the county in which said motor vehicle is used or operated provided that this section shall not apply to motor vehicles owned by dealers the State, Counties, and municipalities. On and after the first day of October, 1923, every person, firm or corporation who desires to operate a motor vehicle on the public highways of Alabama shall first return such motor vehicles for ad valorem taxation to the Commissioner of Licenses of the county in which he resides, for the preceding tax year, and the commissioner of Licenses of such county shall deliver to such person who makes the return as herein required, a certificate of assessment on a form prescribed by the State Tax Commission, and such certificate shall be the warrant of the Commissioner of Licenses to collect the tax as shown thereon. (b) If any motor vehicle has already been returned for the fiscal year beginning October 1, 1923, and ending September 30th, 1923, the Commissioner of Licenses shall issue a certificate showing the valuation of such motor vehicle, and the Commissioner of Licenses shall collect the taxes according to such valuation, and credit same upon the abstract as part payment. (c) After the first day of October, 1923, motor vehicles within the meaning of this Act, shall not be included in any assessment made by any person, firm or corpora-

tion as of the first day of October, 1923, or subsequent years; and such motor vehicle shall not be considered as escaped property by reason of failure to include same in any tax return as of the first day of October, 1923, or any subsequent year, but shall be assessed as herein provided. (d) The Commissioner of Licenses upon issuing a license for the operation of motor vehicles as herein provided shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act. Valuation for ad valorem assessment shall be sixty percent of the fair and reasonable value of same. (e) Motor vehicles brought into this State after the first day of October, and before the Commissioner of Licenses had completed his assessment shall be subject to taxation the same as if it has been held or owned in the State on the first day of October. The commissioner of Licenses is authorized to issue a motor vehicle license where he ascertains and makes a record of the fact that there is no ad valorem taxes due on said motor vehicle for the preceding year. (f) The Commissioner of Licenses of such counties in this State, in addition to assessing and collecting the ad valorem taxes due the State and county on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities and towns located in such counties. The Commissioner of Licenses shall report and pay over the money collected for said cities and towns at the same time and in the same manner as State and County taxes are reported and paid over by him. The Commissioner of Licenses shall receive a commission of five per cent of the amount of city and town ad valorem taxes so collected by him and shall deduct said commission from the amount collected before paying the same over to the city or town and he shall retain such amount as his own property and which shall be in addition to other compensation allowed him under this Act.

Section 16. The State Auditor is hereby required to furnish to such License Commissioners all books, records, and blanks, now or hereafter required by law to be furnished to the Probate Judge of the State in connection with the performance of their duties in the issuance or collection of licenses or privilege taxes.

Section 17. That all duties now required by law or which may hereafter be required of Probate Judges in this State with reference to the issuance of and collection of State, County and other licenses be and they are hereby transferred from the Probate Judges of such counties to the Commissioner of Licenses herein provided for and such Commissioner of Licenses shall be entitled to collect all fees, commissions, charges and allowances now or hereafter fixed by law for Probate Judges respecting the issuance and collection of licenses and shall be liable to all the pains and penalties with reference to the collection of such licenses as are now imposed on

the Probate Judge in this State, and the Probate Judges of all such counties are relieved from any and all duties, liabilities and responsibilities now imposed by law for the collection of licenses in such counties.

Section 18. That all duties required by law or which may hereafter be required by law of Tax Assessors and Tax Collectors with reference to the assessment and collection of ad valorem taxes on automobiles are hereby transferred from the Tax Assessor and Tax Collector of such counties and all powers and duties relative thereto shall be performed and exercised by the Commissioner of Licenses in such Counties and such Commissioners are hereby charged with each, any, all and every duty now required by law or which may hereafter be required by law of Tax Assessor and Tax Collectors with reference to the assessment and collection of the ad valorem tax on automobiles, trucks or other motor vehicles, and the Tax Assessor and Tax Collector of such counties are hereby relieved of all duties and responsibilities in reference thereto.

Section 19. That the Commissioner of Licenses shall receive for the assessing and collecting of State and County ad valorem tax on motor vehicles the same fees charges and commission now fixed by law or which may hereafter be fixed by law to be paid to Tax Assessor and Tax Collectors for the same services.

Section 20. That whenever marriage license records are completed and no blank pages remain therein, such records shall be filed by the Commissioner of Licenses with the Probate Judge of such county and the Probate Judge shall keep, such marriage license records as other records are requried to be kept by him. Upon the receipt of such record or records by the Probate Judge, he shall give his receipt therefor, which receipt shall be filed in the office of the Commissioner of Licenses.

Section 21. It is the purpose and intent of this Act, for the convenience of the public, to have the assessment for taxation the collection of the ad valorem tax, the issuance of the license and the securing of a tax for automobiles, trucks and other motor vehicles and the issuance of all other licenses of every character to be handled in one department of the Government and by one official.

Approved July 16, 1931.

No. 432) (H. 888—Tidwell

AN ACT

To provide for a refund of taxes or licenses which are paid directly to the State Tax Commission and in which, through mistake in fact or in law, there has been an over-payment of the amount due or an erroneous payment.

Be it Enacted by the Legislature of Alabama:

Section 1. That where any taxpayer in the payment of taxes or licenses which are paid directly to the State Tax Commission,

and where by a mistake of fact or law has paid an amount in excess of the amount due or has made an erroneous payment, the State Auditor is authorized to draw his warrant on the State Treasurer in favor of such taxpayer, and the State Treasurer is authorized to pay such warrant for the amount of such over-payment or erroneous payment.

Section 2. Before any refund under this Section can be made the taxpayer, his heirs, successors or assigns, shall file in duplicate, petition directed to the State Tax Commissioner setting up the fact relied on to procure the refunding of the money erroneously paid. Such application must be made within twelve months from the date of such payment.

Section 3. The State Tax Commissioner shall examine said petition and the records of the State Tax Commission, and if the facts set forth in the petition are such as to entitle the petitioner to the refunding of the money as prayed for and the State Tax Commissioner upon the evidence adduced is satisfied that the petitioner is entitled to the refund as prayed for, he shall so certify to the Auditor stating the amount to be refunded by the State, the particular fund on which such warrant shall be drawn and forward to the Auditor copy of the petition with the certificate attached, and if the Auditor shall be satisfied that the petition is in form required by law, he shall draw his warrant on the State Treasurer as hereinbefore provided for the amount certified to him by the State Tax Commissioner.

Section 4. This Act shall become effective upon approval by the Governor.

Approved July 17, 1931.

No. 438) (H. 946—Morrow

AN ACT

To establish an inferior court in each city of the State of Alabama now or hereafter having, according to the last or any subsequent Federal census, a population of over 150,000, each said court to be in and for all precincts lying within or partly within such city and in lieu of all justices of the peace, notaries public with powers of justices of the peace, and all other inferior courts created in lieu of justices of the peace in said territory prior to the effective date of this act except such courts as have criminal jurisdiction only; to define the jurisdiction and powers of said courts and the officers thereof; to provide for the election of the judge, associate judge, clerk, and other officers of said courts; to fix the terms of office of the officers, and their salaries and the method of paying the same; to provide the procedure in said courts and fix the method of service of all processes therefrom; to create and designate the officials to serve processes issued by said courts and provide compensation therefor; to designate the officers of said courts and define their duties; to provide for the establishment, maintenance, jurisdiction and powers of

different branches of said courts and branch officers thereof; to abolish upon the going into effect of this act in any such city all inferior courts theretofore created in lieu of justices of the peace in or for any and all precincts lying within or partly within any such city, except such courts as may have criminal jurisdiction exclusively, and to provide for the transfer of pending cases from such abolished courts to the courts hereby established.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby established an inferior court in each and every city of the State of Alabama now or hereafter having, according to the last or any subsequent Federal census, a population of over 150,000, each said court to be in and for all precincts lying within or partly within such city and in lieu of all justices of the peace, notaries public with powers of justices of the peace, and all other inferior courts created in lieu of justices of the peace in said territory prior to the effective date of this act therein, except such courts as have criminal jurisdiction only, each of said courts to be known and designated as Inferior Court of _____ (name of City), which said courts shall have all the powers and jurisdiction now conferred or which may hereafter be conferred by law in civil matters upon justices of the peace, and said court and the judges thereof shall have and exercise all the powers and authority and shall perform all the duties now prescribed by law or which may hereafter be prescribed by law for a justice of the peace in said respective territories, and said courts shall also have and exercise such criminal jurisdiction as is hereinafter conferred.

Section 2. There shall be a judge of each of said courts who shall be learned in the law and a resident citizen and qualified voter of the county. He shall be appointed by the County Commission or other like governing body of the county and shall serve until the next general election for circuit judges at which time his successor shall be elected by a vote of qualified electors of said city and each four (4) years thereafter, and shall serve for a term of four (4) years and until his successor is elected and qualified. Before entering upon the duties of his office he shall take the oath of office prescribed by the constitution. The compensation of said judge shall be the sum of fifty-one hundred ($5100.00) dollars per annum and shall be payable in equal monthly installments out of the general funds of the county. The said judge shall be subject to impeachment for the same causes and in the same manner as now provided by law for the impeachment of other inferior court judges. Any vacancy in the office of said judge shall be filled for the unexpired term by the County Commission or other like governing body of the county.

Section 3. That there shall be a clerk of each of said courts who shall be elected by the County Commission or other like governing body of the county and who shall serve for a period of six

years and until his successor is elected and qualified. At the expiration of the term of office of the said clerk and each six years thereafter his successor shall be appointed by the County Commission or other like governing body of the county for a term of six years and until his successor is elected and qualified. Said clerk before entering upon the duties of his office shall take the oath of office prescribed by the constitution of Alabama and enter into bond, the amount thereof to be fixed by the County Commission or other like governing body of the county, and conditioned as other official bonds are now required by law to be conditioned and to be approved by the Probate Judge of the county, the premium on such bond to be paid out of the general fund of the county. The said clerk shall be subject to impeachment for the same causes and in the same manner as now provided by law for the impeachment of other county officials. The compensation of such clerk shall be the sum of $4800.00 per annum payable out of the general fund of the county in equal monthly installments.

Section 4. The clerk of each said court may appoint with the approval of the County Commission or other like governing body of the county as many clerks or deputies as may be needful or necessary for the proper conduct of the affairs of said office and said clerks and deputies shall receive such compensation, payable out of the general fund of the county, as may be fixed by the County Commission or other like governing body of the county. Said deputies and clerks shall serve at the pleasure of the clerk of the court.

Section 5. The clerk of each such court shall issue all processes out of his court, approve all bonds and keep a docket of the court; he shall certify all appeals and certioraris and generally do, and perform all clerical duties proper and necessary for the conduct of the court. The Fees and costs that are now allowed by law to justices of the peace in the county where said court is or may be situated or which may hereafter be allowed to justices of the peace in such county shall be taxed and collected as provided by law in such cases and shall be by the clerk paid into the county treasury.

Section 6. Each such court shall have an officer to be known as the Marshal of the Inferior Court of.....(name of city), who shall be elected by the County Commission or other like governing body of the county and who shall serve for a term of four years and until his successor is elected and qualified. Said officer, before entering upon the duties of his said office, shall take the oath of office prescribed by law for sheriffs and execute a bond to be approved by the Probate Judge in such sum as may be fixed by the County Commission or other like governing body of the county and conditioned as now provided by law for the bonds of sheriffs. At the expiration of his term of office and each four years thereafter the County Commission or other like governing body of

the county shall by majority vote elect the successor of such officer. The said marshal, together with the sheriff of the county and the constables of all precincts lying within or partly within any such city, shall be officers of said court and shall each serve such process from said court as may be referred to them by the clerk thereof, and shall with respect thereto perform the same duties as are now required by law of sheriffs and constables, and shall receive the same fees as now provided by law for sheriffs respectively in like cases. The sheriff shall remit all fees received by him for such services into the county treasury.

Section 7. The judges of any such court hereby established may punish for contempt for causes where the law authorizes judges of the circuit court to punish for contempt by a fine not exceeding $50.00 and by imprisonment not exceeding five days, one or both.

Section 8. Each calendar month shall constitute a term of each such court established by this act, provided, however, that after five days from the rendition of a judgment in any cause that said judgment shall be beyond the jurisdiction and out of the powers of the court as if the term of said court ended on the fifth day after the rendition of said judgment.

Section 9. Each such court hereby established shall be open for business and the trial of cases at all times except Sundays.

Section 10. In all proceedings in any of said courts by this Act established the rules of law and procedure shall in so far as applicable and not in conflict with other provisions of this act be the same as those in justice of the peace courts in the county wherein the court is situated.

Section 11. The right of appeal from judgments and the law relating to appeals and certioraris from justice of the peace courts in the county wherein any such court be established by this act is located shall be applicable to and be the same with respect to the judgments of each such court hereby established and appeals and certioraris therefrom.

Section 12. Each such court hereby established shall have as against all justices of the peace, notaries public, ex-officio justices of the peace and all other inferior courts in lieu of justices of the peace in the county, the exclusive jurisdiction of all civil cases where the amount involved does not exceed $100.00 except in cases of libel, slander, assault and battery and ejectment where the defendant or defendants reside in the territorial jurisdiction of the court except where the cause of action arose in or the contract sued on was made in a precinct not within the jurisdiction of this court or where one or more of the defendants reside in a precinct of such county not within the territorial jurisdiction of this court, and the courts established hereby shall have power upon reasonable notice to order the dismissal of any such suit wrongfully brought

contrary to the provisions of this section and to punish the wilful failure to comply with such order as for a contempt.

Section 13. Each such Court shall have authority on its own motion to require any non-resident of the State of Alabama filing a suit in said court to give security for costs before the service of any process in such case.

Section 14. The owner of any judgment rendered by any court established by this act may file a certificate of the same in the office of the Judge of Probate under the same procedure and in the same manner as is now or may hereafter be provided by law for filing judgments of courts of record, which judgments when so filed and registered shall be a lien upon all property of the defendant in the county where registered which is subject to levy and sale under execution; and such lien shall continue for six years from date of the registration, and the registration shall be notice to all persons of the existence of the lien.

Section 15. Any such court hereby established shall have the power to set aside, vacate or modify its judgments in civil cases upon motion made within five days after the rendition of same, which said motion must be promptly determined; any such courts may open for business and render default or other judgments at any time after nine o'clock of each day, and all processes of the court where no time is otherwise fixed shall be returnable and answerable at nine o'clock A.M. of the return day.

Section 16. The County Commission or other like governing body of any county in which a court established by this act is situated shall at the expense of the county provide suitable court rooms to hold said courts and shall also provide all necessary dockets, books and other supplies for the use of said courts and shall provide for the payment of rent for court rooms in case court rooms are rented, and for any other incidental expenses.

Section 17. If the judge of any such court established by this act shall be unable to discharge the duties of his office by reason of absence, sickness, disqualification or inability to hold his court, it shall be the duty of the County Commission or other like governing body of the county to appoint some practicing attorney as special judge, who shall perform all the duties of the judge during such absence, illness, disqualification or inability of said judge, which said special judge shall receive the same compensation as the said regular judge of said court, provided, however, that if his said absence, illness, disqualification or inability to serve shall exceed a total of thirty days in each twelve months, the compensation of said special judge for all the time served by him in excess of said thirty days shall be deducted from the salary or compensation of the regular judge of such court.

Section 18. The summons must be issued by the clerk of the court and accompanied by the complaint of the plaintiff, or the

cause of action endorsed on the summons setting forth the cause of action. The summons must be executed by the constable, sheriff or other officer authorized to serve process by leaving a copy of the summons and complaint, or summons with the cause of action endorsed thereon, with the defendant, which fact he must return with the process. All garnishments shall be answerable at or before nine o'clock A.M. of the return day of the writ and the court may render a conditional judgment against any garnishee who after proper service of the writ fails to answer at or before such time. Service of any notice proper to be made by publication may be perfected by one insertion of the notice and after ten days from the date of insertion of any such notice the party so notified and failing to appear may be treated as in default. No more than three days' service of any rule or notice to show cause why a conditional judgment should not be made final shall be necessary in any garnishment proceeding in any such court.

Section 19. And it shall be the duty of the clerk of each court created by this act to issue an execution on all judgments rendered in said court after five days from the entry thereof and place the same in the hands of a constable, marshal or sheriff of the court who shall return such execution within thirty days thereafter, said return to show that he has collected said judgment and paid the same or the amounts collected, or is unable to find property of the person against whom said process issued out of which said execution can be satisfied in whole or in part.

Section 20. That if it shall appear to the clerk that in any cases in his court where an execution has been returned unsatisfied as to the cost of said cause and in the opinion of the clerk said cost can be collected by an alias execution, the clerk may issue such alias execution and may direct the constable, sheriff or marshal as to what property can be levied upon to satisfy said judgment.

Section 21. That in each case filed in any such court established by this act there shall be taxed as part of the cost in said case a trial tax of $1.00 which shall be taxed and collected as other costs in the case and paid into the county treasury.

Section 22. That all laws affecting or regulating the practice or procedure of courts of justices of the peace shall be applicable in the trial of civil cases in the courts established under the terms of this act.

Section 23. All the duties of the bailiff in any court established by this act shall be performed by the clerk of the court or one of his assistants.

Section 24. The clerk of any court established by this act or one of his assistants may enter default judgments and hear the evidence as to the amount of damages in all cases where service has been had and the defendant does not appear and shall report his findings to the judge of the court, and if the judge approves the

amount of such judgment, he shall sign the same and it shall have the same effect as though said judgment had been duly and regularly taken and entered by the judge of said court.

Section 25. In every city to which this act applies or may hereafter apply, all inferior courts created prior to the going into effect of this act in such city or cities in lieu of justices of the peace in or for any or all precincts lying within or partly within any such city shall be and hereby are abolished including all divisions and branches of any such courts and all cases and causes pending in any and all such courts hereby abolished, together with all documents, papers, and judgments, shall be transferred to the Inferior Court of such city established hereby and shall proceed as if begun therein. And all judgments rendered in any such courts so abolished shall be the same as if they had been rendered by the Inferior Court of such city and such court shall have the same powers and control over the same and issue executions and other processes thereon in all respects as if the judgment had been originally rendered by the said Inferior Court. Provided, however, that no such court having and exercising jurisdiction exclusively in criminal matters shall be abolished, or affected by this act. Provided further, that nothing contained in this section or in any other section of this act shall have the effect of abolishing any inferior court established in any other municipality than those to which this act applies or have the effect of limiting the jurisdiction of any such court.

Secton 26. Where in any city to which this act applies or may hereafter apply there is at the time this act goes into effect therein a branch office of any court abolished by this act at which the judge or judges of said court hold regular weekly sessions for the trial of civil cases arising or triable in the precinct where said branch office is located, there shall continue after this act goes into effect in such city to be maintained and held in such precinct a branch of the court hereby established at which the judge of the court hereby established shall hold a session one day each week for the trial of civil causes, and there shall be maintained at said branch office an assistant clerk who shall be appointed by the clerk and who shall serve at the pleasure of the clerk of the court and whose compensation shall be fixed by the County Commission or other like governing body of the county. Said assistant clerk shall have and exercise at said branch of the court all the powers and duties that the clerk may exercise at the main office of the court. Said branch court shall be governed by the same laws both as to jurisdiction and procedure as provided in this act for the government of the main division of said court. Said assistant clerk in this section provided for shall give bond in such sum as may be fixed by the County Commission or other like governing body of the county, conditioned upon the faithful performance of the duties of said office, the premium on such bond to be paid by the county.

Section 27. The courts established by the terms of this act shall have and exercise civil jurisdiction only, provided, however, that where in any city to which this act applies or may hereafter apply there is at the time this act goes into effect therein any inferior court abolished by section 25 of this act and which court has both civil and criminal jurisdiction, then in such event there shall be established and maintained a branch office of the court established by this act to which all pending causes and judgments of said abolished court shall be transferred and with respect to which pending causes and judgments the court established by this act by and through the associate judge and other branch officers of said court provided for in this section shall exercise all the duties, powers and authority provided for in section 25 of this act with respect to pending causes and judgments, and in such case the inferior court of said city provided for in this act shall within the territorial jurisdiction of such abolished court have and exercise all the power and jurisdiction, both civil and criminal, now conferred by law on justices of the peace, or that may hereafter be conferred by law on justices of the peace or inferior courts in lieu of justices of the peace, or on said court and the associate judge provided for in this section shall have and exercise within the territorial jurisdiction of said abolished court all of the power and authority and perform all the duties now prescribed by law or that may hereafter be provided by law for justices of the peace in said precincts. Provided further, that in any such case as is next above referred to and described there shall be an officer of the court established in any such city by the terms of this act who shall be known as associate judge of said court and who shall be learned in the law or shall have served as judge of an inferior court created in lieu of justices of the peace, and who shall be a resident citizen and qualified voter of the county, and who shall be elected by the County Commission or other like governing body of the county and who shall serve for a term of four years, and who shall during his tenure of office have and exercise within the territory comprising the jurisdiction of such abolished court all the powers and authority and jurisdiction in this act conferred upon the judge of the court. All vacancies in the office of said associate judge shall be filled by the County Commission or other like governing body of the county. The compensation of such associate judge shall be the sum of $3600.00 per annum and shall be payable in equal monthly installments out of the general fund of the county, and all the provisions of Section 17 of this act shall be applicable to such associate judge. Said associate judge shall be subject to impeachment for the same causes and in the same manner as is now provided by law for the impeachment of other inferior court judges. Provided, also that in any such case as is herein above referred to and described in this section there shall

continue to be maintained and held a branch of the court hereby established in each and every precinct in which such abolished court was required by statute to hold and maintain a branch office of such abolished court and the provisions of the statute relating to such abolished court with respect to the places and number of times required of the judge for holding court shall continue to be applicable to the associate judge of the court superseding such abolished court. Provided further, that in such case there shall be maintained at each said branch office of each said court hereby established an assistant clerk and such number of deputy clerks as the County Commission or other governing body of the county may deem necessary, the compensation of all of which said assistants and deputies shall be fixed by the County Commission or other like governing body of the court and all of whom shall be appointed by and serve at the pleasure of the clerk of said court. Each such assistant clerk shall have and exercise at each of said branch courts all the powers and duties that the clerk may exercise at the main office of the court. All such branch courts shall be governed by the same procedure as is provided in this act for the government of the main division of said court, but the branch courts provided for in this section shall have and exercise jurisdiction only for and over the territory comprising the jurisdiction of such inferior court superseded and abolished by the terms of this act. Each said assistant clerk in this section provided for shall give bond in such sum as may be fixed by the County Commission or other like governing body of the county, conditioned upon the faithful performance of the duties of said office, the premium on all such bonds to be paid by the county. Provided furthermore, that in any such event as is referred to and described in the outset of this section the County Commission or other like governing body of the county may determine the necessity of a solicitor to represent the State in all criminal matters arising in such branch courts provided for in this section and any and all such solicitors shall be selected by the County Commission or other like governing body of the county and their compensation shall be fixed and payable out of the general fund of the county by the County Commission or other like governing body, and in all criminal cases where solicitors fees are taxed in any of said branch courts, such solicitors fees shall be paid into the general fund of the county.

Section 28. That if any section or provision of this act shall be declared unconstitutional or void, this shall not affect any other section or provision not in and of itself unconstitutional or void.

Approved July 17, 1931.

No. 439) (H. 947—Glover of Elmore.

AN ACT

To provide for the relief of W. H. Macon who paid in the fall of the year 1917 under an invalid law the sum of $140.51 as a tax on baled cotton—$89.77 of said sum going to Elmore County, Alabama and $50.74 of same going to the State of Alabama.

WHEREAS in the fall of the year 1917 said W. H. Macon of Elmore County, Alabama was required to pay and did pay in the form of a tax on certain baled cotton owned by him at said time to the Tax Collector of Elmore County, Alabama the sum of $140.51; and WHEREAS $89.77 of said sum of $140.51 went to said Elmore County as its part of said tax or sum and $50.74 of said sum went to the State of Alabama as its part of said tax or sum; and WHEREAS the law under and by virtue of which said sum of $140.51 was collected and paid to said Tax Collector by said Macon as aforesaid was thereafter declared invalid and said Elmore County has refunded to said Macon its part of said fund or tax in sum of $89.77 as aforesaid, but that the part of said fund or tax that went to the State of Alabama in sum of $50.74 as aforesaid has never been refunded by the State to said Macon although he has been without the use of same since in the fall of the year 1917 and that morally and in justice the State should have already refunded said sum of $50.74.

Be it Enacted by the Legislature of Alabama:

Section 1. That out of any funds in the State Treasury not otherwise appropriated, there is hereby appropriated the sum of $50.74 for the relief of W. H. Macon as a refund to him of the said sum of $50.74 paid by him in the form of a tax on baled cotton owned by him in the fall of the year, 1917, which tax having since been declared invalid but the State never having refunded said sum to said Macon.

Section 2. That immediately after the passage and approval of this Act by the Governor, the State Auditor shall issue his warrant upon the State Treasurer in favor of the said W. H. Macon in the sum of $50.74.

Section 3. All laws and parts of laws, local, special or general, in conflict with the provisions of this Act are hereby repealed.

Section 4. That should any part or paragraph or Section or parts of paragraphs or Sections of this Act be held by any court of this State unconstitutional none of the remaining parts or paragraphs or Sections hereof shall be affected thereby.

Approved July 17, 1931.

No. 440) (H. 949—Taylor

AN ACT

To authorize the governing body of any county having a population of more than One Hundred and Ten Thousand and not more than Three Hundred Thousand by the last preceding or any subsequent federal census to construct or aid in the construction of embankments, bulkheads, walls or

other suitable structures for the protection of the shores of streams, lakes, bays, sounds, or any body of water from damage, erosion or destruction by waves, currents, storm or flood.

Be it Enacted by the Legislature of Alabama:

Section 1. That all counties in this State having a population of more than one hundred and ten thousand and not more than three hundred thousand, according to the last preceding or any subsequent Federal census are hereby authorized to construct or aid in constructing embankments, bulkheads, walls or other suitable structures for the protection of the shores of streams, lakes, bays, sounds, or any body of water in such counties, from damage, erosion or destruction by waves, currents, storm of flood. This act shall become effective on its passage.

Approved July 17, 1931.

No. 441.) (H. 950—Taylor

AN ACT

To provide that in all cities having a population of 67,000 and not more than 200,000 according to the last or any subsequent Federal census, shall through their City commission or other governing body of such cities by whatever name called, appoint a chief of a fire department and an assistant chief and such other officers of a fire department and firemen as such city may deem necessary for the protection against fire hazards and fix their term of office and define their duties and provide for their salaries or compensation.

Be it Enacted by the Legislature of Alabama:

First. That all cities in the State of Alabama having a population of 67,000 and not more than 200,000 population according to the last or any subsequent Federal census, shall through their city commission or other governing body of such cities by whatever name called, appoint a chief of a fire department who shall hold office at the will of such city commission at a salarly of $3800.00 per annum, to be paid in twelve monthly instalments and such city commission or other governing body shall appoint an assistant chief to hold office at the will of such city governing body at a salary of $2400.00 per annum, divided into twelve monthly installments and such governing body of such city shall appoint the necessary number of deputy chiefs of the fire department at a salary of $2100.00 per annum to be divided into twenty four equal installments and the necessary number of captains of the fire department to receive $1560.00 per annum, divided into twenty four equal installments and shall appoint the necessary number of firemen who have had as much as one year's experience as firemen at a salary of $1440.00 per annum divided into twenty four equal installments,

provided, however, that such cities shall have the authority to employ the necessary number, in their discretion, of inexperienced firemen having less than one year as such at a salary of $1200.00 per annum.

Second. All of such officers shall hold office at the will of such city governing body, the duties of such officers in the fire department and the firemen employed as authorized under this Act shall be as now or hereafter may be fixed by law or by rules or by ordinances of such governing board of such cities.

Third. All of such salaries shall be paid out of the general fund of such cities as salaries are now paid to city employees.

Fourth. All laws or parts of laws in conflict herewith are hereby repealed.

Fifth. This bill shall become effective on its passage.

Became a Law July 22, 1931, under Section 125 of the Constitution.

No. 445) (H. 978—McElderry

AN ACT

To authorize the Board of Trustees of the State Training School for Girls, with the approval of the Governor, to move the State Training School for Girls from its present location in Jefferson County, Alabama, to any other location in Jefferson County or to any other county in the State; to authorize the Board of Trustees of said School, with the approval of the Governor, to sell all of the property belonging to said School; to authorize the Board of Trustees, with the approval of the Governor, to purchase real estate, title to be made to the State of Alabama, in any county in which the School may be removed; to authorize the Board of Trustees to accept donation of land, buildings, or other property and to accept donations of money, and to authorize the Board of Trustees, with the approval of the Governor, to use all money which has been heretofore appropriated for said School and all money which may be donated to said School to pay for the property which may be purchased and for the erection, equipment of buildings thereon, and for other purposes for the good of said School.

Be it Enacted by the Legislature of Alabama:

Section 1. The Board of Trustees of the State Training School for Girls, with the approval of the Governor, are hereby authorized to remove the State Training School for Girls from its present location in Jefferson County, Alabama, to any other location in Jefferson County or to any other county in the State.

Section 2. The Board of Trustees of said School with the approval of the Governor are hereby authorized to sell any or all of the property of said School and to apply the funds received from the sale of said property to the purchase of property in the county where they may locate the said School, title to all land purchased to be taken in the name of the State of Alabama.

Section 3. The Board of Trustees of said School, with the approval of the Governor, may use any funds which have been heretofore appropriated for said School in paying for property which may be purchased in the county where the School may be located, and they may accept donations of land, buildings, personal property or money, and any money or personal property so donated shall be used in the payment for real estate and buildings or for the beautifying and improvement of the grounds of the School, wherever the same may be located, or for any purpose which in the judgment of the Board of Trustees and of the Governor may be to the best interest of the said School.

Approved July 17, 1931.

No. 446) (H. 979—Tate

AN ACT

To provide that in all counties in this State where terms of the Probate Court are held at places other than the County seat that the Probate Courts of such counties may try any cause, sign any order, judgment or decree arising in said County and hear and determine any matter, cause or proceeding at any time at either the County seat or at the place other than the County seat where such matter, cause or proceedings may be legally heard, tried or determined.

Be it Enacted by the Legislature of Alabama:

Section 1. That after the passage and approval of this Act that the Probate Court in all counties in this State where terms of the Probate Court are held at places other than the County seat that the Probate Courts of such counties may try any cause, sign any order, judgment or decree arising in said County and hear and determine any matter, cause or proceedings at any time at either the County seat or at any place other than the County seat where such matter, cause or proceedings may be legally heard, tried or determined.

Approved July 17, 1931.

No. 447) (H. 985—St. John

AN ACT

To amend Section 1 of an Act entitled An Act to provide for establishing, constructing and maintaining public roads and bridges in counties now having according to the last federal census, or that may hereafter have according to any subsequent federal census, a population of forty-one thousand or more, in which there exists a local highway commission and to create in lieu of such highway commission for such counties, a board

of public road and bridge commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said board; and provide their compensation. Approved the 16th day of February, 1931.

Be it Enacted by the Legislature of Alabama:

That Section 1 of an Act entitled An Act to provide for establishing, constructing and maintaining public roads and bridges in counties now having according to the last federal census, or that may hereafter have according to any subsequent federal census, a population of forty-one thousand or more, in which there exists a local highway commission and to create in lieu of such highway commission for such counties, a board of public road and bridge commissioners, making the Judge of Probate an ex-officio member thereof, to provide for the selection of the additional members, and to define the jurisdiction, powers and duties of such said board; and provide their compensation. Approved the 16th day of February, 1931, be and the same is hereby amended so as to read as follows: Section 1. There is hereby created in lieu of the highway commissions, in all counties having a population of forty-one thousand or more according to the last federal census, or that may have such population according to any subsequent federal census, a road and bridge commission composed of the Judge of Probate of said County, who shall be ex-officio chairman thereof, and two associate commissioners to be appointed by the Governor, and who shall hold office concurrently with the Governor making the appointment, and until their successors are appointed and qualified. Said associate commissioners shall be, at the time of their selection and during their incumbency in office, qualified electors of the county. All vacancies on the membership of said board shall be filled by appointment of the Governor, and such appointee shall hold for the unexpired term and until his successor is selected and qualified. The associate members shall receive four dollars per day for the time actually expended in the performance of their duties, not to exceed seventy-five dollars for any one month, to be paid out of the road fund on bill presented by such member, duly sworn to, and to be paid in such manner as other bills against said road fund are paid upon warrants issued by the chairman of said board, after having been authorized by the vote of two or more members of said board. But before assuming the duties of the office as members of said board shall take the oath of office prescribed by law for other officers of the county, which shall be likewise filed and recorded.

Approved July 17, 1931.

No. 448) (H. 989—Bradford of Jefferson

AN ACT

To amend Section 1193 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1193 of the Code of Alabama of 1923 be amended so as to read as follows: The words "General Hospital" as used in this article shall mean a hospital or sanitarium that maintains twenty or more beds for the sick and where general medicine, general surgery, obstetrics and the care and nursing of infants and children are practiced and taught. The standing and qualifications of such general hospitals shall be subject to the approval or disapproval of the County Board of Censors of the County in which such hospital is located; provided, however, that an appeal can be made from the decision of the County Board of Censors to the State Committee of Public Health which State Committee of Public Health shall hear, consider and determine the question of the standing and qualifications of such hospital de novo. All students who attend these general hospitals of twenty beds or more with a daily average of thirty patients or less shall affiliate with and shall receive at least six months of their training after their first year in a general hospital that has a daily average of fifty or more patients.

Approved July 17, 1931.

No. 451) (H. 1025—Morrow

AN ACT

To amend Section 12 of an Act approved August 2, 1927, entitled: "An Act, To provide for and establish in each and all counties, of this state which now have a population of two hundred thousand people, or more, according to the last Federal Census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a Court to be designated the Juvenile and Domestic Relations Court; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper, or convenient for the exercise thereof; and to regulate same; to provide for a judge of such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for, and regulate the procedure in such courts; to authorize the judge of said courts to determine the form of its records, and to adopt rules of procedure therein, where not otherwise provided for in this Act; to provide for appeals from said courts and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts, certain causes pending in the circuit Courts, and other Courts in such counties, and all causes pending in Domestic Relations Courts, or Courts of Domestic Relations, in such counties, and of all wards and probationers

of such Domestic Relations Courts in such counties; to provide that if any section, paragraph, or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof, and to abolish all Domesitc Relations Courts and Courts of Domestic Relations in such counties.

Be it Enacted by the Legislature of Alabama:

Section 12. That Section 12 of an Act entitled An Act to provide for and establish in each and all counties, of this state which now have a population of two hundred thousand people, or more, according to the last Federal Census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a Court to be designated the Juvenile and Domestic Relations Court; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper, or convenient for the exercise thereof; and to regulate same; to provide for a judge of such courts, and for such other ofifcers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for, and regulate the procedure in such courts; to authorize the judge of said courts to determine the form of its records, and to adopt rules of procedure therein, where not otherwise provided for in this Act; to provide for appeals from said courts and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts, certain causes pending in the Circuit Courts, and other Courts in such counties, and all causes pending in Domestic Relations Courts, or Courts of Domestic Relations, in such counties, and of all wards and probationers of such Domestic Relations Courts in such counties; to provide that if any section, paragraph, or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof, and to abolish all Domestic Relations Courts and Courts of Domestic Relations in such counties, which act was approved August 2, 1927, be and the same is hereby amended so as to read as follows: Section 12. In all cases of misdemeanor which the said Juvenile and Domestic Relations Courts are given original and exclusive jurisdiction, of which said courts shall be given jurisdiction by any other Act, complaints may be made to the judge of said court or to the solicitor, deputy solicitor or assistant solicitor of the Circuit Court or solicitor of Juvenile and Domestic Relations Court or to someone designated by the said judge or by the solicitor, deputy solicitor or assistant solicitor of the Circuit Court or solicitor of Juvenile and Domestic Relations Court of such counties, who shall cause the facts stated to be true by such complaint to be reduced to writing, such complainant and such written statement of the facts may be brought before said judge or said solicitor, deputy solicitor or assistant solicitor of Circuit Court or solicitor of Juvenile and

Domestic Relations Court. When the complainant and such written statement of the facts are presented to either of the officers named in the preceding sentence, the officer before whom said complainant and such written statement of facts are brought, shall examine said complainant and any other person or persons under oath or affirmation concerning such statement and other matters by him necessary in relation to such complainant. If such officer deems it in the interest of justice, he may order further investigation to be made by any probation officer of said court as to the facts of said complaints, in which event it shall be the duty of such probation officer to make a written report of his findings to said officer. If the complainant or said probation officer or other person knowing the facts, shall make the necessary affidavit, and if such judge, solicitor, deputy solicitor, assistant solicitor of the Circuit Court or the solicitor of Juvenile and Domestic Relations Court before whom such affidavit is made, has probably cause for believing and does believe that the offense complained of has been committed in such county and the person accused has committed same, he shall have authority to issue a warrant for the arrest of the accused person, returnable to said Juvenile and Domestic Relations Court, and fix the amount of bail bond that shall accused person give and may also approve such bail. Said officer may increase or reduce the amount of bail as may seem just. Said officers may issue as many alias warrants on said affidavit as may be necessary. The officer issuing such warrants may in his discretion as the time of issuing same, endorse thereon that the officers serving same may accept the signature of the defendant on said bail bond as sufficient security. Any probation officer mentioned herein or the sheriff, or deputy sheriff of such county or the sheriff or deputy sheriff of the several counties of the State of Alabama or any lawful officer, may arrest the defendant in any county in the State of Alabama. In the event that the complainant or other interested person fails or refuses to make the necessary affidavit to bring such cause or complaint before the court, it shall be the duty of said probation officer, if he believes the facts warrant such action, and that it is in the interest of public welfare, to make such affidavit, and bring such cause or complaint before the court for trial. The solicitor or deputy solicitor or assistant solicitor of the Circuit Court or solicitor of Juvenile and Domestic Relations Court of such counties may issue summons to any person or persons whether or not the case is being handled formally or informally, summoning such person or persons to appear before himself or the court instanter or at some other time and place as provided in summons for the purpose of giving information, facts or answering questions asked him concerning any offense or misdemeanor the court has jurisdiction over or to bear as provided by law, or as a witness in any case, and it shall be the duty of such person or per-

sons to appear before said officer or court and answer such questions, give such information or facts as provided for in such summons. It is further provided that no such person or persons summoned shall be required in any way incriminate himself.

Approved July 17, 1931.

No. 453) (H. 1031—Sossaman.

AN ACT

To Abolish Juvenile Courts in all counties which now have or may hereafter have, a population of not less than 105,000 and not more than 300,000, according to the last or any Succeeding Federal Census.

Be it Enacted by the Legislature of Alabama:

Section 1. That Juvenile Courts in all counties which now have, or may hereafter have, a population of not less than 105,000 and not more than 300,000, according to the last, or any succeeding Federal Census, be, and the same are hereby abolished.

Section 2. That all laws, special, local or general, in conflict herewith, are hereby repealed.

Section 3. That this Act shall take effect from and after its passage and approval.

Became a Law July 22, 1931, under Section 125 of the Constitution.

No. 458) (H. 1068—Goodwyn

AN ACT

To regulate further the financing of public improvements, to permit the reduction or abatement of assessments therefor in certain cases, to provide for the refunding of bonds issued therefor and to validate proceedings heretofore taken relating thereto and to authorize the issuance and sale of bonds for the purpose of replacing funds heretofore or hereafter taken from its water works funds or other special funds of like character and used for the payment of principal or interest of such bonds, in cities having a population of as many as forty thousand and not more than sixty-seven thousand people according to the last Federal Census or any such census which may hereafter be taken.

Be it Enacted by the Legislature of Alabama:

Section 1. That the provisions of this Act shall apply only to cities in the State of Alabama which have a population of as many as forty thousand and not more than sixty-seven thousand people according to the last Federal census or any such census which may hereafter be taken.

Section 2. That the governing body of any city of the class described in Section 1 hereof shall have power to reduce or abate any assessments heretofore or hereafter made for public improvements in such city in cases where such assessments have been levied or attempted to be levied against property owned by the State of Alabama or by such city or by the county in which such city is located or by any church, hospital or other charitable organization or in any case where the governing body after due inquiry has determined that the assessment on any particular property has been made erroneously or is in excess of the benefit derived by such property, having in view the value thereof, whether or not such assessment shall have been made final and the time to appeal therefrom expired, provided, however, that it is not intended hereby to authorize such governing body in any case to set aside or abate all assessments made for any public improvement.

Section 3. That the governing body of any city of the class described in Section 1 hereof shall have the power, pursuant to and in the manner provided by "The Municipal Bond Code", to settle, adjust and refund any bonds of such city heretofore or hereafter issued to provide the cost of street, sidewalk or sewer improvements whereof the cost in whole or in part was assessed against the property abutting said improvements, whether such bonds have already become due and payable or are about to become due and payable or callable according to their terms, and the said governing body deems it to the best interest of the city to call said bonds and raise funds for the payment thereof by the sale of bonds as herein authorized, provided, however, that all sums derived from the payment of assessments and being in the hands of the city at the time of such refunding shall be first applied to the payment of the outstanding bonds and refunding bonds shall be issued only in such amount as shall be necessary to raise the difference between the amount required for the payment of the outstanding bonds and the amount so held for the payment thereof.

Section 4. That in any case where the city of the class described in Section 1 hereof has used any part of its water works fund or other fund of like character for the purpose of taking up at maturity bonds or coupons representing a portion of the principal of bonds which have heretofore been issued for public improvements and which had fallen due, the provisions of the preceeding section hereof shall be construed to permit either the issuance of refunding bonds to the city treasurer as custodian of such funds or the sale of such bonds for the purpose of replacing in such fund all moneys of such fund so used.

Section 5. That in exercising the powers conferred by the preceeding section hereof it shall not be necessary to make a separate issue of refunding bonds, with respect to each outstanding issue, but two or more of such outstanding issues or portions

thereof may be grouped together in a single refunding issue, in which event all assessments thereafter collected with respect to any of the improvements financed the separate issues or the proper proportionate part thereof, shall be applicable to the payment of such refunding bonds.

Section 6. That a separate sinking fund account shall be provided and kept for each refunding bond issue authorized under the provisions hereof to which shall be credited all collections made on assessments levied with respect to the improvements financed by the original issues of bonds or the proportionate part thereof, and such sinking funds shall be issued only for the purpose of paying interest and principal on such bonds in that particular group or series as they may mature, and the balance needed for the payment of principal and interest by reason of the reduction or abatement of assessments as herein provided or by reason of failure to collect assessments or otherwise, shall be provided out of the general funds of the city raised by taxation or otherwise.

Section 7. That all proceedings heretofore taken with respect to the reduction or abatement of assessments or the issuance of bonds for the purpose herein specified and all sales of such bonds heretofore made, be and the same hereby are ratified.

Section 8. That in any case where the city of the class described in Section 1 hereof has used or may hereafter use any part of its water works fund or other special fund of like character for the purpose of taking up at maturity bonds or coupons representing a portion of the principal of bonds or representing interest thereon which bonds or coupons have heretofore been issued or which hereafter may be issued for public improvements, and the necessity for the use of such funds was caused by the abatement or reduction of assessments authorized by Section 2 of this Act, the governing body of such city shall have power to issue and sell bonds of such city for the purpose of replacing such funds so used.

Section 9. That the powers herein given are cumulative and shall not be construed as depriving cities of the class described in Section 1 hereof of any powers not provided by law in connection with such matters.

Section 10. That all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 11. That this law shall become effective immediately upon its approval by the Governor.

Approved July 17, 1931.

No. 464) (S. 480—Teasley

AN ACT

To amend the title and sections 1, 2, & 3 of an act of the Legislature "To provide for the appointment of a humane officer in all counties in this State which now have, or which may hereafter have a population of seventy five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken; to define the duties and fix the compensation of said humane officer." Approved August 30, 1923.

Be it Enacted by the Legislature of Alabama:

That the title of an act "To provide for the appointment of a humane officer in all counties in this State which now have, or which may hereafter have a population of seventy five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken; to define the duties and fix the compensation of said humane officer," approved August 30, 1923, be amended so as to read as follows: To provide for the appointment of a humane officer in all counties in this State which now have, or which may hereafter have a population of seventy five thousand people and less than one hundred and ten thousand people according to the last Federal census or any such census which may hereafter be taken; to define the duties and fix the compensation of said humane officer.

BE IT FURTHER ENACTED that section 1 of said act be amended so as to read as follows: That upon the passage and approval of this Act by the Governor, it shall be the duty of the Society for the prevention of cruelty to animals, or other similar society organized in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than One hundred and ten thousand people according to the last Federal census, or any such census which may hereafter be taken, to appoint a humane officer for said Counties.

BE IT FURTHER ENACTED that section 2 of said act be amended so as to read as follows: That in all such counties, in addition to the duties prescribed and fixed by law for humane officers, it shall become the further duty for the humane officer to see that all laws with reference to the prevention of cruelty to animals be strictly enforced and brought to the attention of the courts within said counties. That the number of cases investigated and docketed by said humane officer, with a full description of each case, shall be filed each month in the office of such humane society, and a complete report published every year.

BE IT FURTHER ENACTED that section 3 of said act be amended so as to read as follows: That the salary of said Humane Officer shall be One Hundred dollars per month, payable monthly. That any city which now has, or which may hereafter have a

population of forty thousand people and less than sixty-seven thousand people according to the last Federal census or any such census which may hereafter be taken, which is located in any county covered by this act, shall pay one-half of the said salary of said Humane Officer and the county shall pay the remaining one-half of said salary of said Humane Officer.

Approved July 17, 1931.

No. 466) (S. 198—Hooton

AN ACT

To amend Section 1255 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1255 of the Code of Alabama, 1923, be amended to read as follows: No person who is not a holder of a license or permit from the State Board of Veterinary Medical Examiners, and no person who fails to have his license annually renewed shall engage in the practice of Veterinary Medicine and Surgery for hire in the State of Alabama; provided that any person who was a World War Veteran and who is a person of good moral character, who has practiced Veterinary Medicine and Surgery in the State of Alabama for a period of three years prior to March 17, 1915, and who has continued to practice the same since that time, and who shall present to the Board of Veterinary State Examiners satisfactory evidence thereof, shall be granted a permit to practice Veterinary Medicine and Surgery in the State of Alabama; provided said person or persons pay his annual dues and registration fee, as hereinafter provided. Provided said person or persons desiring the benefit derived from this Section must apply for said permit within thirty days from the approval of this Act by the Governor.

Approved July 22, 1931.

Passed Over The
Governor's Veto (S. 207—Jordan

AN ACT

To make an appropriation out of the Military funds of the State of Alabama for the relief of 1st Sergeant Acton C. Gibbs, Company F, 167th Infantry, Alabama National Guard.

WHEREAS, On the 13th day of October 1930, 1st Sergeant Acton C. Gibbs, while in the line of duty and under orders of a superior officer and while on detail for the purpose of bringing to drill Private John Harkin, Com-

pany F, 167th Infantry, Alabama National Guard, he was cut, stabbed and otherwise wounded; and WHEREAS, As a result of such cuts, stabs and other wounds was confined in the hospital, operated on and deprived from following his vocation and labors and was otherwise incurred expenses incidental to and as a result of such wounding, an itemized statement of which is on file in the office of the Adjutant General of Alabama.

Now Therefore Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of the Military funds of the State of Alabama not otherwise appropriated the sum of seven Hundred Dollars, ($700.00) to be paid on warrant drawn by the Adjutant General on such fund and in favor of 1st. Sergeant Acton C. Gibbs, as full and complete satisfaction of said claim.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor.

Passed Over the Governor's Veto, July 25, 1931.

No. 468) (S. 369—Teasley

AN ACT

To amend an Act "To authorize and empower Boards of Revenue in Counties having a population of not less than 75,000 and not more than 100,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend county Funds not exceeding $6,000.00 per annum for county purposes not otherwise provided for by law." Approved February 20, 1931. And to repeal an Act "To authorize and empower Boards of Revenue in Counties having a population of not less than 75,000 and not more than 100,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County funds not exceeding $5,000 per annum for County purposes not otherwise provided for by law." Approved February 12, 1931.

Be it Enacted by the Legislature of Alabama:

That An Act "To authorize and empower Boards of Revenue in Counties having a population of not less than 75,000 and not more than 100,000 inhabitants according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, to expend County Funds not exceeding $6,000.00 per annum for county purposes not otherwise provided for by law," approved February 20, 1931, be amended so as to read as follows: Section 1. That Courts of County Comm s-sioners, Boards of Revenue, and other Courts of like jurisdiction, in counties in this State having a population of not less than 75,000 and not more than 100,000 according to the Federal Census of 1930, and which may hereafter have such population according to any Federal Census hereafter taken, are hereby authorized to appropriate out of any moneys in the county treasury not otherwise ap-

propriated and to expend not exceeding the sum of $7000.00 per annum for any county purposes not otherwise provided for by law that in their judgment are worthy and for the interest of the county, the fund hereby authorized to be created to be known as the "Contingent Fund."

Section 2. That $1,200.00 of the funds herein appropriated per annum shall be paid over to the representative of the State Tax Commission having charge of the equalization and adjustment of taxes on property situated in such counties, for ex-officio services and expenses of maintaining his office in said county. Said $1,200.00 per annum to be paid over to the said representative of the State Tax Commission in monthly installments and disbursed by him.

Section 3. That $900.00 per annum of the funds herein appropriated shall be paid over to Circuit Solicitors in such counties in monthly installments and disbursed by them. Said amount to be used by Circuit Solicitors in defraying any and all expenses incidental to the proper conduct of their offices, including extra clerical help and stenographic help, and for ex-officio services of said Circuit Solicitors in attending the Juvenile and domestic relations court and for the performance of such other duties as are not now provided by law.

Section 4. That, under the provisions of Section 1 not more than $7,000.00 shall be appropriated and expended in any one year and should any sum or sums remain unexpended in said fund at the end of the year only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the contingent Fund up to the sum of $7,000.00.

Section 5. That an Act "To authorize and empower Boards of Revenue in counties having a population of not less than 75,000 and not more than 100,000 inhabitants according to the Federal census of 1930, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding $5,000 per annum for county purposes not otherwise provided for by law," approved February 12, 1931, and all other laws and parts of laws in conflict with this Act be and the same are hereby repealed."

Approved July 22, 1931.

Passed over Governor's veto) (H. 19—Jones

AN ACT

To provide for the relief of Mrs. Jennie M. Norris, widow of Frank M. Norris, deceased, and the three minor children of said Frank M. Norris, and to make appropriation therefor, and to provide a commission to ascertain the amount of said relief.

WHEREAS, Frank M. Norris, was for a long period of time, about two years, in the service of the State in a responsible and exceedingly dan-

gerous position—that of foreman or face boss of convicts in the working and guarding and superintending of convicts being worked by the State in the Montevallo Mining Co. Coal Mines at Aldrich in Shelby County; and

WHEREAS, on the 21st day of February 1927, while so engaged in the services of the State by an accident over which he had no control and by no fault of his, he lost his life by the sudden and unexpected falling in of the roof and walls of the mine, wherein he was in the discharge of his duties as such servant of the State crushing him instantly to death; and

WHEREAS, the said Frank M. Norris left a widow and three minor children, who were dependent on him for maintenance and support and education and now with no property or other means of support or education than the liberality of relatives who are all of very limited means or ability to contribute to their relief, therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be and he is hereby required to draw his warrant on the State Treasurer for such a sum as may be ascertained to be proper and right as provided by section two (2) of this act not exceeding Five Thousand Dollars or so much thereof as may be necessary payable to the said Mrs. Frank M. Norris out of any funds in the State Treasury not otherwise appropriated.

Section 2. BE IT FURTHER ENACTED BY THE LEGISLATURE OF ALABAMA that the Governor, the attorney general, the State Auditor, the State Treasurer, and the commissioner of agriculture and industry shall be and constitute a commission whose duty it shall be to ascertain whether the said claim is valid against the state, how much, and make an award in writing to the Governor as to the amount that should in justice and good conscience be paid to said widow for and on account of such death and loss of said Frank M. Norris for herself and the said three minor children and on the filing of such award, signed by the other members of said commission with the governor he shall in writing order and direct the State Auditor to draw his warrant on the State Treasurer for the amount so ascertained and reported to him payable to Mrs. Frank M. Norris for the use of herself and said children of Frank M. Norris, when she shall have furnished him with a certified copy of letters of guardianship of said children of the deceased and a certificate of the Probate Judge that she has made a good and sufficient bond as such guardian in double the amount of said award; and it shall be the duty of the State Treasurer to pay said warrant out of any money in the treasury not otherwise appropriated, said award not to exceed the amount which would have been allowed under the Workmen's Compensation Law should he have been employed in private employment.

Passed over the Governor's veto July 25, 1931.

No. 472) (H. 96—Barber.

AN ACT

For the relief of the Lumbermen's Mutual Insurance Company.

Section 1. *Be it Enacted by the Legislature of Alabama*: That One Thousand, Five Hundred Twenty-eight and 33/100 ($1,528.33) Dollars be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to reimburse The Lumbermen's Mutual Insurance Company of Mansfield, Ohio, for Taxes it erroneously overpaid the State of Alabama, through and upon the demand of, the Superintendent of Insurance and/or Department of Examiners of Accounts, of the State of Alabama, upon its insurance business done in Alabama during the tax years of 1922, 1923, 1925 and 1926; said sum having been erroneously paid into the Treasury, over and above the lawful taxes due and paid the State of Alabama by said Company for said tax years.

Section 2. That said amount of One Thousand Five Hundred Twenty-eight and 33/100 ($1,528.33) Dollars, shall be paid by the State Treasurer on warrant to be drawn by the State Auditor, upon the passage and approval of this Act.

Approved July 22, 1931.

Passed over Governor's Veto) (H. 126—Davis of Macon

AN ACT

To appropriate the sum of Twelve Hundred Dollars for the relief of C. H. Thrasher who was permanently injured while employed as a bookkeeper of the Convict Department in the line and scope of his employment.

WHEREAS, C. H. Thrasher, a citizen of the State of Alabama was permanently disabled without any fault on his part while on duty with the convict department of the State of Alabama on April 20th, 1920 as bookkeeper of said Department at Prison No. Four in Montgomery County, Alabama, in that a "one Pounder Shell" exploded blowing away a part of his right hand and causing such injury as to forever prevent the pursuit of his profession as accountant, and causing him much suffering and expense, and a change of occupation, and

WHEREAS there is no provision in the law to compensate him, Therefore,

Be it Enacted by the Legislature of Alabama:

Sec. 1. There is hereby appropriated out of the State Treasury the sum of Twelve Hundred Dollars to be paid to the said C. H. Thrasher for his relief.

Sec. 2. That immediately after the passage of this Bill and its approval by the Governor, the State Auditor shall draw a warrant upon the State Treasurer, and the State Treasurer shall pay

from funds not otherwise appropriated in the State Treasury, to the said C. H. Thrasher of Macon County, Alabama, the sum of Twelve Hundred Dollars.

Passed over Governor's Veto July 25, 1931.

Passed over Governor's veto) (H. 133—Molette

AN ACT

To authorize and provide for the payment of the sum of Five Hundred ($500.00) Dollars, for the relief of Robert Elder of Selma, Dallas County, Alabama, whose automobile was damaged on the 11th day of August, 1927, as a result of being run into by a State Highway Department truck, the property of the State of Alabama.

WHEREAS, Robert Elder, while engaged in his duties as a traveling salesman was lawfully traveling upon the Pine Level road between Montgomery, Alabama, and Troy, Alabama, in the direction of Troy, Alabama, at a lawful rate of speed, and when in close proximity to Goodman's Store, which is located in Montgomery County, Alabama, and situated close to the highway upon which Robert Elder was traveling, a State Highway truck operated by C. M. Dickey, backed into the highway from the opposite side of the store from which Robert Elder was approaching, and ran into the car which was being driven by Robert Elder and,

WHEREAS, as a result of said collision, the 1927 model Chevrolet coupe, which was owned and being operated by Robert Elder, was damaged in that, the body of the car was demolished, necessitating a new body, the running gear of said car was damaged and as a result of said accident he was forced to expend the sum of Four Hundred ($400.00) Dollars, in repairing his said car, that the original cost of the car was $780.00 and had only been driven two months, and as a result of said accident the car had depreciated in value in the sum of One Hundred ($100.00) Dollars, and

WHEREAS, no adequate compensation has been paid to the said Robert Elder for the damages aforesaid; Therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be and is hereby authorized and directed to issue his warrant on the State Treasurer in favor of the said Robert Elder for a sum not more than Five Hundred ($500.00) Dollars, (the exact amount to be certified by the Attorney General), which shall be paid by the State Treasurer out of any funds for the maintenance or construction of highways in the State Treasury not otherwise appropriated. Provided, however, that no sum shall be paid under the provisions of this Act unless and until the State Highway Director or some representative of the State Highway Department, appointed for that purpose by the State Highway Director, shall ascertain the facts and circumstances relating to the above described claim and the amount of damages sustained by the claimant, and shall make a written report thereof to the Attorney General of Alabama; and the Attorney General shall certify to the State Auditor the amount to be paid, and that in the opinion of the Attorney General of the State of Alabama, if

an individual, would be legally liable for the claim, based on the facts submitted by the State Highway Director or his appointee.

Section 2. This act shall take effect immediately upon being signed by the Governor.

Passed over Governor's veto July 25, 1931.

Passed over Governor's veto) (H. 134—Burns

AN ACT

To authorize and provide for the payment of the sum of Five Hundred ($500.00) Dollars, for the relief of Robert C. Molette of Orrville, Dallas County, Alabama, whose automobile was damaged on the 27th day of July, 1928, as a result of a wreck at Bassett Creek, in Clarke County, Alabama, caused by the failure of the Alabama Highway Department to properly mark the detours at Bassett Creek.

WHEREAS, Robert C. Molette, while lawfully traveling on Alabama State Highway Number Six, between Selma, Alabama and Mobile, Alabama, in the direction of his home at Orrville, Alabama, did run into a washed out concrete bridge at Bassett Creek, near Grove Hill, Alabama, in the County of Clarke, said accident being caused by the failure of the Alabama Highway Department to place detour signs, red lanterns, barricades or other danger signals to warn the traveling public of the washed out condition of the bridge, but said road was allowed to remain open and appeared to be in safe condition for use by the public, and as a result of proceeding along this road the car in which Robert C. Molette was traveling ran into Bassett Creek, and

WHEREAS, as a result of said accident, the 1928 model Chevrolet Cabrolet which was owned and operated by Robert C. Molette was damaged, in that, the body of the car was smashed, the fenders, top, windshield, right front wheel and tire, rumble seat, battery, head lights, radiator, hood, steering wheel, cushion, running board and other parts of the car were demolished and he was caused to lose certain personal belongings, all of the aforesaid to the damage of Robert C. Molette in the sum of Five Hundred ($500.00) Dollars, and

WHEREAS, no adequate compensation has been paid to the said Robert C. Molette for the damages sustained in said accident; Therefore—

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be and is hereby authorized and directed to issue his warrant on the State Treasurer in favor of the said Robert C. Molette for a sum not more than Five Hundred ($500.00) Dollars, (the exact amount to be certified by the Attorney General), which shall be paid by the State Treasurer out of any funds for the maintenance or construction of highways in the State Treasury not otherwise appropriated. Provided, however, that no sum shall be paid under the provisions of this Act unless and until the State Highway Director or some representative of the State Highway Department, appointed for that purpose by the State Highway Director, shall ascertain the facts and circumstances relating to the above described claim and the amount of

damages sustained by the claimant, and shall make a written report thereof to the Attorney General of Alabama; and the Attorney General shall certify to the State Auditor the amount to be paid, and that in the opinion of the Attorney General the State of Alabama, if an individual, would be legally liable for the claim, based on the facts submitted by the State Highway Director or his appointee.

Section 2. This Act shall take effect immediately upon being signed by the Governor.

Passed over the Governor's veto July 25, 1931.

Passed Over The Governor's Veto (H. 152—Black of Marshall

AN ACT

For the Relief Of John Murchison.

WHEREAS, John Murchison was convicted in the Circuit Court of Marshall County, Alabama, in the year 1920 charged with the murder of John Franklin McLendon and was sentenced to the penitentiary for life on said charge, and; WHEREAS, one Otis McClendon, in the year 1926, made a complete confession that he and another party committed the murder and that John Murchison had no connection with the crime and upon this confession John Murchison was released, therefore;

Be it Enacted by the Legislature of Alabama:

Section 1. That an appropriation of seven hundred and fifty dollars be and the same is hereby made for the relief of John Murchison who served a sentence of six years in the penitentiary until his release.

Section 2. That the amount of money named in Section 1 of this Act shall be paid out of any funds in the treasury not otherwise appropriated and that the State Auditor be and he is hereby authorized and required to draw his warrant on the Treasurer in favor of John Murchison for the amount set out in Section 1 of this Act.

Passed over Governor's Veto, July 25, 1931.

No. 477) (H. 177—Glover of Elmore

AN ACT

To provide for nomination of guardian ad litem by an infant fourteen years of age or over in cases at law and in equity where such infant is interested.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all cases at Law or in Equity in this State where an infant fourteen years of age or over is a party interested, such infant may, within thirty days after perfection of service upon

him in such cause, have his choice of a Guardian ad Litem to represent him in said cause certified by an officer authorized to take acknowledgments, provided, however, that in a cause where no notice to such infant is required, or the hearing is set on a day less than thirty days subsequent to the perfection of such service, such choice may be certified on or before the day set for the hearing of said cause; and if such infant fails to nominate a Guardian ad Litem within the time specified above, a Guardian ad litem shall be appointed by the Judge or Register of the Court in which said cause is pending.

Section 2. That all laws, portion of laws and rules in conflict with the foregoing section are hereby expressly repealed.

Approved July 22, 1931.

No. 478) (H. 183—Tate

AN ACT

To empower Boards of Revenue, Courts of County Commissioners, or like governing bodies, to fix the amount of Official Bonds of all County Officers and all County employees who are intrusted with the handling of public funds and to provide for the payment of the premium of said bonds.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Boards of Revenue, the Courts of County Commissioners, or like governing bodies of all Counties in the State be and they are hereby empowered with the exclusive authority to fix each year the amount of the Official Bond of all County Officers in their respective Counties whose official bond is now required by law to be fixed or approved by any other authority. Provided however that all official bonds shall be made by a surety Company authorized to do business in the State of Alabama.

Section 2. That such boards may at its discretion each year require any or all County employes who are intrusted with the handling of public funds to give bond in such amount and with such surety as it may require, and that the premium on such bonds shall be paid out of the County Treasury.

Section 3. That all laws and parts of law contrary to the provisions of this Act be and are hereby expressly repealed.

Section 4. That this Act shall become effective immediately on its approval by the Governor.

Approved July 23, 1931.

Passed over Governor's veto) (H. 250—McNeel

AN ACT

For the relief of Cora C. Wilson of Autauga County Alabama on account of the death of her husband William C. Wilson, who was killed in an automobile wreck, while in the employment of the State of Alabama and while in the discharge of the duties assigned him.

Be it Enacted by the Legislature of Alabama:

Section 1. That an appropriation of One Thousand Dollars be and the same is hereby made for the relief of Cora C. Wilson, widow of William C. Wilson, who was killed in an automobile wreck, while in the employment of the State of Alabama and in the discharge of the duties assigned him.

Section 2. That the amount of One Thousand Dollars named in Section one of this bill, shall be paid out of the funds in the treasury not otherwise appropriated, and that the State Auditor be and is hereby authorized and required to draw his warrant on the treasurer for the amount of One Thousand Dollars for the amount named in Section one of this Act.

Passed over Governor's veto July 25, 1931.

No. 480 (H. 316—Hightower

AN ACT

To pay the Town of York for paving around the Sumter County High School and for sanitary sewer at the Sumter County High School and at the York Grammar School.

WHEREAS the Town of York, in their paving program, built a cement sidewalk, curb and gutter along the Sumter County High School property, at a cost of $1170.32; and WHEREAS they laid a sanitary sewer for use of said High School and also for the Grammar School: and WHEREAS, they are both used for the benefit of said schools, and both school lots are materially enhanced in value by said improvements: and WHEREAS a bill was filed with the County Board of Education for the cost of same, and the town was advised by said County Board that they had no authority of law to pay for same; therefore:

Be it Enacted by the Legislature of Alabama:

Section 1: That there is hereby appropriated the sum of Eleven Hundred and Seventy and 32/100 Dollars for payment of the assessments so made by the Town of York for paving and for sewer.

Section 2. BE IT FURTHER ENACTED that the amount of Eleven Hundred and Seventy and 32/100 Dollars, named in the foregoing section, shall be paid out of any funds in the Treasury not otherwise appropriated, and that the State Auditor be, and hereby is authorized and required to draw his warrant on the State Treasurer for the amount named in Section 1, hereof, payable to the Mayor of said Town of York.

Approved July 22, 1931.

No. 481) (H. 373—Key

AN ACT

To amend Sec. 289 of the Alabama School Code.

Be it Enacted by the Legislature of Alabama, that Sec. 289 of the Alabama School Code be, and the same is hereby amended so as to read as follows: 289. Use of District Funds. The funds arising from levying a special tax for school purposes in any school district under the jurisdiction of the County Board of Education shall be used for the exclusive benefit of the public schools of such district, provided, however, that in any school district where such tax is being levied there is no public school, the funds arising from levying said tax may be used for the purpose of transporting school children residing in such district to a school located in another district. In the case of cities and towns under independent boards said county tax collector shall collect said taxes and pay over the same to the treasurer of said city or town to be used for the exclusive benefit of the schools thereof in accordance with the law.

Approved July 22, 1931.

No. 482) (H. 391—Goodwyn

AN ACT

To make uniform the law relating to the Extradition of Persons charged with crime; to provide for and regulate the right to apply for habeas corpus by persons arrested under warrant of extradition, and to provide penalties for disregard of such regulations; to provide for arrest prior to issue of warrant of extradition in certain cases, and for a preliminary hearing thereon; to provide for the payment of costs and expenses in extradition cases; to exempt from civil process under certain circumstances, persons brought into this State under extradition proceedings; and to abolish the right of asylum of persons so brought into this State.

Be it Enacted by the Legislature of Alabama:

Section 1. (Definitions.) Where appearing in this act, the term "Governor" includes any person performing the functions of Governor by authority of the law of this State. The term "Executive Authority" includes the Governor, and any person performing the functions of governor in a state other than this state. And the term "state" referring to a state other than this state refers to any other state or territory organized or unorganized of the United States of America.

Section 2. (Criminals to be delivered upon requisition. Subject to the qualifications of this Act, and the provisions of the constitution of the United States controlling, and Acts of Congress in

pursuance thereof, it is the duty of the Governor of this State to have arrested and delivered up to the Executive Authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.

Section 3. (Form of Demand.) No demand for the extradition of a person charged with crime in another state shall be recognized by the Governor unless in writing and accompanied by a copy of an indictment found or by an information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereon. The indictment, information, or affidavit made before the Magistrate must substantially charge the person demanded with having committed a crime under the law of that state; and the copy must be authenticated by the Executive Authority making the demand, which shall be prima facie evidence of its truth.

Section 4. (Governor may investigate case.) When a demand shall be made upon the Governor of this state by the Executive Authority of another state for the surrender of a person so charged with crime, the Governor may call upon the Attorney General or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

Section 5. (What papers must show.) A warrant of extradition must not be issued unless the documents presented by the Executive Authority making the demand show that the accused was present in the demanding state at the time of the commission of the alleged crime, and that he thereafter fled from that state, and is now in this state, and that he is lawfully charged by indictment or by an information filed by a prosecuting officer and supported by affidavit to the facts, or by affidavit made before a magistrate in that state, with having committed a crime under the laws of that state, or that he has been convicted of crime in that state and has escaped from confinement or broken his parole.

Section 6. (Extradition of persons guilty of a crime in another state though being in this state.) The Governor of this state may also surrender, on demand of the Executive Authority of any other state, any person in this state charged on indictment found in such other state with committing an act in this State intentionally resulting in a crime in such other state; and the provisions of this act not otherwise inconsistent shall apply in such cases, notwithstanding that the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

Section 7. (Issue of Governor's warrant of arrest; its Recitals.) If the Governor shall decide that the demand should be

complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to a sheriff, marshall, coroner, or other person whom he may think fit to entrust with the execution thereof; and the warrant must substantially recite the facts necessary to the validity of its issue.

Section 8. (manner and place of execution.) Such warrant shall authorize the officer or other person to whom directed to arrest the accused at any place where he may be found within the state and to command the aid of all sheriffs and other peace officers in the execution of the warrant, and to deliver the accused subject to the provisions of this act, to the duly authorized agent of the demanding state.

Section 9. (Authority of arresting officer.) Every such officer or other person empowered to make the arrest, shall have the same authority in arresting the accused to command assistance therein, as sheriffs and other officers have by law in the execution of any criminal process directed to them, with the like penalties against those who refuse their assistance.

Section 10. (Accused may apply for writ of habeas corpus.) No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he has been informed of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand legal counsel; and if the prisoner, his friends, or counsel shall state that he or they desire ot test the legality of his arrest, the prisoner shall be taken forthwith before a judge of a court of record in this state, who shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. And when such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the public prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state.

Section 11. (Penalty for non-compliance with preceding section.) Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant in disobedience to the last section shall be guilty of a misdemeanor, and on conviction shall be fined not more than $1,000. or be imprisoned not more than six months, or both.

Section 12. (confinement in jail when necessary.) The officer or person executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered, may when necessary confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the person having charge of him is ready to proceed on his route, such person being chargeable with the expense of keeping.

Section 13. (arrest prior to requisition.) Whenever any person within this state shall be charged on the oath of any credible person before any judge or other magistrate of this state with the commission of any crime in any other state, and except in cases arising under Section 6, with having fled from justice; or whenever complaint shall have been made before any judge or other magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and except in cases arising under Section 6, has fled from justice and is believed to have been found in this state, the judge or magistrate shall issue a warrant directed to the sheriff of the county in which the oath or complaint is filed directing him to apprehend the person charged, wherever he may be found in this state, and bring him before the same or any other judge, court, or magistrate who may be convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit; and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

Section 14. (Arrest without a warrant.) The arrest of a person may be lawfully made also by an officer or a private citizen without a warrant upon reasonable information that the accused stands charged with a crime punishable by death or life imprisonment in the courts of another state; but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the last section; and thereafter his answer shall be heard as if he had been arrested on a warrant.

Section 15. (Commitment to wait requisition: bail.) If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and that he probably committed the crime, and, except in cases arising under Section 6, that he has fled from justice, the judge or magistrate must commit him to jail by a warrant reciting the accusation for such a time specified in the warrant as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the Executive Authority of the state having jurisdiction of the offense, unless the accused give bail as provided in the next section, or until he shall be legally discharged.

Section 16. (Bail except in capital and life imprisonment cases; condition and requisites of bond.) Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, the judge or magistrate must admit the person arrested to bail by bond or undertaking, with sufficient sureties, and

in such sum as he deems proper, for his appearance before him at a time specified in such bond or undertaking, and for his surrender, to be arrested upon the warrant of the Governor of this State.

Section 17. (If no arrest made on Governor's warrant before the time specified.) If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant, bond, or undertaking, the judge or magistrate may discharge him or may recommit him to a further day, or may again take bail for his appearance and surrender, as provided in Section 16; and at the expiration of the second period of commitment, or if he has been hailed and appeared according to the terms of his bond or undertaking, the judge or magistrate may either discharge him, or may require him to enter into a new bond or undertaking, to appear and surrender himself at another day.

Section 18. (Forfeiture of bail.) If the prisoner is admitted to bail, and fails to appear and surrender himself according to the condition of his bond, the court, by proper order, shall declare the bond forfeited; and recovery may be had thereon in the name of the state as in the case of other bonds or undertakings given by the accused in criminal proceedings within this state.

Section 19. (If a prosecution has already been instituted in this state.) If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the Governor at his discretion either may surrender him on the demand of the Executive Authority of another state, or may hold him until he has been tried and discharged, or convicted and punished in this state.

Section 20. (Guilt or innocence of accused, when inquired into.) The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.

Section 21. (Governor may recall warrant or issue alias.) The Governor may recall his warrant of arrest, or may issue another warrant whenever he deems proper.

Section 22. (Fugitives from this state.) Whenever the Governor of this state shall demand a person charged with crime in this state from the Chief Executive of any other state, or from the chief justice or an associate justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.

Section 23. (Manner of applying for requisition.) When the return to this state of a person charged with crime in this state is required, the prosecuting attorney (of the county in which the offense is committed) shall present to the Governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, and the approximate time, place and circumstances of its committal, the state in which he is believed to be, including the location of the accused therein at the time the application is made, and certifying that in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial, and that the proceeding is not instituted to enforce a private claim. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the magistrate, stating the offense with which the accused is charged. The prosecuting officer may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application with the action of the Governor indicated by indorsement thereon, and one of the certified copies of the indictment or complaint or information and affidavit, shall be filed in the office of the Secretary of State to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

Section 24. (Costs and expenses.) When the punishment of the crime shall be the confinement of the criminal in the penitentiary, or by death, the expenses shall be paid out of the state treasury, on the certificate of the Governor and warrant of the auditor; and in all other cases they shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses shall be the fees paid to the officers of the state on whose Governor the requisition is made, and not exceeding Ten cents a mile for all necessary travel in returning such prisoner.

Section 25. (Exemption from Civil Process.) A person brought into this state on extradition based on a criminal charge, shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is returned, until he has been convicted in the criminal proceeding, or if acquitted, until he has had ample opportunity to return to the state from which he was extradited.

Section 26. (No right of asylum.) After a person has been brought back to this state upon extradition proceedings, he may be tried in this state for other crimes which he may be charged with having committed here, as well as that specified in the requisition for his extradition.

Section 27. (Interpretation.) This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 28. (Constitutionality.) If any part of this act is for any reason declared void, such invalidity shall not effect the validity of the remaining portions of this act.

Section 29. (Repeal.) All acts or parts of acts and administrative rules inconsistent with this act are hereby repealed.

Section 30. (Short Title) This Act may be cited the Uniform Criminal Extradition Act.

Section 31. (Time of taking effect.) This act shall take effect on the_____day of_____1931.

Approved July 22, 1931.

No. 483) (H. 392—Goodwyn.

AN ACT

To make certificates for shares of stock in corporations negotiable by delivery, when indorsed in blank by the persons in whose name they are issued; to regulate the power to transfer title to certificates of stock in corporations, and to limit the effect of rescissions of such transfers; to define the obligations upon the transferor of stock certificates, to limit the power to attach and levy upon stock certificates; to limit the lien of the corporation upon its shares; to provide for the issuance of new stock certificates in lieu of those lost; and in general to make uniform the law with reference to transfers of stock in corporations.

Be it Enacted by the Legislature of Alabama:

Section 1. (How Title to Certificates and Shares may be Transferred.) Title to a certificate and to the shares represented thereby can be transferred only, (a) By delivery of the certificate indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or (b) By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign, or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person. The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of the corporation issuing the certificate and the certificate itself provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.

Sec. 2. (Powers of Those Lacking Full Legal Capacity and Fiduciaries not Enlarged.) Nothing in this act shall be construed as enlarging the powers of an infant or other person lacking full legal capacity, or of a trustee, executor or administrator, or other fiduciary, to make a valid indorsement, assignment or power of attorney.

Sec. 3. (Corporation not Forbidden to Treat Registered Holder as Owner.) Nothing in this act shall be construed as forbidding a corporation, (a) To recognize the exclusive right of a person registered on its books as the owner of shares to receive the dividends, and to vote as such owner, or (b) To hold liable for calls and assessments a person registered on its books as the owner of shares.

Sec. 4. (Title Derived from Certificate Extinguishes Title Derived from a Separate Document.) The title of a transferee of a certificate under a power of attorney or assignment not written upon the certificate, and the title of any person claiming under such transferee, shall cease and determine if, at any time prior to the surrender of the certificate to the corporation issuing it, another person, for value in good faith, and without notice of the prior transfer, shall purchase and obtain delivery of such certificate with the indorsement of the person appearing by the certificate to be the owner thereof, or shall purchase and obtain delivery of such certificate and the Written assignment of power of attorney of such person, though contained in a separate document.

Sec. 5. (Who May Deliver a Certificate.) The delivery of a certificate to transfer title in accordance with the provisions of section 1, is effectual, except as provided in section 7, though made by one having no right of possession and having no authority from the owner of the certificate or from the person purporting to transfer the title.

Sec. 6. (Indorsement Effectual in Spite of Fraud, Duress, Mistake, Revocation, Death, Incapacity or Lack of Consideration or Authority.) The indorsement of a certificate by the person appearing by the certificate to be the owner of the shares represented thereby is effectual, except as provided in section 7, though the indorser or transferor, (a) was induced by fraud, duress or mistake, to make the indorsement or delivery, of (b) has revoked the delivery of the certificate, or the authority given by the indorsement or delivery of the certificate, or (c) has died or become legally incapacitated after the indorsement, whether before or after the delivery of the certificate, or (d) has received no consideration.

Sec. 7. (Rescission of Transfer.) If the indorsement or delivery of a certificate, (a) Was procured by fraud or duress, or (b) was made under such mistake as to make the indorsement or delivery inequitable; or If the delivery of a certificate was made (c)

without authority from the owner, or (d) after the owner's death or legal incapacity, the possession of the certificate may be reclaimed and the transfer thereof rescinded, unless (1) The certificate has been transferred to a purchaser for value in good faith without notice of any facts making the transfer wrongful, or, (2) The injured person has elected to waive the injury, or has been guilty of laches in endeavoring to enforce his rights. Any court of appropriate jurisdiction may enforce specifically such right to reclaim the possession of the certificate or to rescind the transfer thereof and, pending litigation, may enjoin the further transfer of the certificate or impound it.

Sec. 8. (Recission of Transfer of Certificate does not Invalidate Subsequent Transfer by Transferee in Possession.) Although the transfer of a certificate or of shares represented thereby has been rescinded or set aside, nevertheless, if the transferee has possession of the certificate or of a new certificate representing part or the whole of the same shares of stock, a subsequent transfer of such certificate by the transferee, mediately or immediately, to a purchaser for value in good faith, without notice of any facts making the transfer wrongful, shall give such purchaser an indefeasible right to the certificate and the shares represented thereby.

Sec. 9. (Delivery of Unindorsed Certificate Imposes Obligation to Indorse.) The delivery of a certificate by the person appearing by the certificate to be the owner thereof without the indorsement requisite for the transfer of the certificate and the shares represented thereby, but with intent to transfer such certificate or shares, shall impose an obligation, in the absence of an agreement to the contrary, upon the person so delivering, to complete the transfer by making the necessary indorsement. The transfer shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Sec. 10. (Ineffectual Attempt to Transfer Amounts to a Promise to Transfer) An attempted transfer of title to a a certificate or to the shares represented thereby without delivery of the certificate shall have the effect of a promise to transfer and the obligation, if any, imposed by such promise shall be determined by the law governing the formation and performance of contracts.

Sec. 11. (Warranties on Sale of Certificate.) A person who for value transfers a certificate, including one who assigns for value a claim secured by a certificate, unless a contrary intention appears, warrants—(a) That the certificate is genuine, (b) That he has a legal right to transfer it, and (c) That he has no knowledge of any fact which would impair the validity of the certificate. In the case of an assignment of a claim secured by a certificate, the liability

of the assignor upon such warranty shall not exceed the amount of the claim.

Sec. 12. (No Warranty Implied from accepting Payment of a Debt.) A mortgagee, pledges, or other holder for security of a certificate who in good faith demands or receives payment of the debt for which such certificate is security, whether from a party to a draft drawn for such debt, or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such certificate, or the value of the shares represented thereby.

Sec. 13. (No Attachment or Levy Upon Shares Unless Certificate Surrendered or Transfer Enjoined.) No attachment or levy upon shares of stock for which a certificate is outstanding shall be valid until such certificate be actually seized by the officer making the attachment or levy, or be surrendered to the corporation which issued it, or its transfer by the holder be enjoined. Except where a certificate is lost or destroyed, such corporation shall not be compelled to issue a new certificate for the stock until the old certificate is surrendered to it.

Sec. 14. (Creditor's Remedies to Reach Certificate.) A Creditor whose debtor is the owner of a certificate shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such certificate or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Sec. 15. (There shall be no Lien or Restriction Unless Indicated on Certificate.) There shall be no lien in favor of a corporation upon the shares represented by a certificate issued by such corporation and there shall be no restriction upon the transfer of shares so represented by virtue of any by-laws of such corporation, or otherwise, unless the right of the corporation to such lien or the restriction is stated upon the certificate.

Sec. 16. (Alteration of Certificate Does Not Divest Title to Shares.) The alteration of a certificate, whether fraudulent or not and by whomsoever made, shall not deprive the owner of his title to the certificate and the shares originally represented thereby, and the transfer of such a certificate shall convey to the transferee a good title to such certificate and to the shares originally represented thereby.

Sec. 17. (Lost or Destroyed Certificate.) Where a certificate has been lost or destroyed, a court of competent jurisdiction may order the issue of a new certificate therefor on service of process upon the corporation and on reasonable notice by publication, and in any other way which the court may direct, to all persons interested, and upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by

the court to protect the corporation or any person injured by the issue of the new certificate from any liability or expense, which it or they may incur by reason of the original certificate remaining outstanding. The court may also in its discretion order the payment of the corporation's reasonable costs and counsel fees. The issue of a new certificate under an order of the court as provided in this section, shall not relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceeding or of the issuance of the new certificate.

Sec. 18. (Rule for Cases not Provided for by this Act.) In any case not provided for by this Act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Sec. 19. (Interpretation Shall Give Effect to Purpose of Uniformity.) This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 20. (Definition of Indorsement.) A certificate is indorsed when an assignment or a power of attorney to sell, assign, or transfer the certificate or the shares presented thereby, is written on the certificate and signed by the person appearing by the certificate to be the owner of the shares represented thereby, or when the signature of such person is written without more upon the back of the certificate. In any of such cases a certificate is indorsed though it has not been delivered.

Sec. 21. (Definition of Person Appearing to be the Owner of Certificate.) The person to whom a certificate was originally issued is the person appearing by the certificate to be the owner thereof, and of the shares represented thereby, until and unless he indorses the certificate to another specified person, and thereupon such other specified person is the person appearing by the certificate to be the owner thereof until and unless he also indorses the certificate to another specified person. Subsequent special indorsements may be made with like effect.

Sec. 22. (Other Definitions.) (1) In this act, unless the context or subject matter otherwise requires—"Certificate" means a certificate of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act. "Delivery" means voluntary transfer of possession from one person to another. "Person" includes a corporation or partnership or two or more persons having a joint or common interest. To "purchase" includes to take as mortgagee or as pledgee. "Purchaser" includes

mortgagee and pledgee. "Shares" means a share or shares of stock in a corporation organized under the laws of this state or of another state whose laws are consistent with this act. "State" includes state, territory, district and insular possessions of the United States. "Transfer" means transfer of legal title. "Title" means legal title and does not include a merely equitable or beneficial ownership or interest. "Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a certificate is taken either in satisfaction thereof or as security therefor. (2) A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

Sec. 23. (Act does not Apply to Existing Certificates.) The provisions of this act apply only to certificates issued after the taking effect of this act.

Sec. 24. (Inconsistent Legislation Repealed.) All Acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 25. (Name of Act.) This act may be cited as the Uniform Stock Transfer Act.

Approved July 22, 1931.

No. 484) (H. 393—Goodwyn

AN ACT

To limit, regulate, and make uniform with the law of other States adopting this Act, the law of this State with regard to the sale of goods, including the transfer of title, with and without documents of title, and the rights and remedies of buyers and sellers of goods.

Be it Enacted by the Legislature of Alabama:

Sec. 1. (Contracts to Sell and Sales.) (1) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price. (2) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price. (3) A contract to sell or a sale may be absolute or conditional. (4) There may be a contract to sell or a sale between one part owner and another.

Sec. 2. (Capacity-Liabilities for Necessaries.) Capacity to buy and sell is regulated by the general law concerning capacity to contract and to transfer and acquire property. Where necessaries are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor. Necessaries in this section means goods suitable to the condition in life of such infant

or other person, and to his actual requirements at the time of delivery.

Sec. 3. (Form of Contract or Sale.) Subject to the provisions of this Act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

Sec. 4. (Statute of Frauds.) (1) A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upward shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in his behalf. (2) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply. (3) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods. Subject Matter of Contract.

Sec. 5. (Existing and Future Goods.) (1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods." (2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen. (3) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

Sec. 6. (Undivided Shares) (1) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares. (2) In the case of tungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the

mass as a number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

Sec. 7. (Destruction of Goods Sold.) (1) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void. (2) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale: (a) As avoided, or (b) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price for the goods in which the property passes if the sale was indivisible.

Sec. 8. (Destruction of Goods Contracted to be Sold.) (1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided. (2) Where there is a contract to sell specific goods, and subsequently but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract: (a) As avoided, or (b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract is divisible. The Price.

Sec. 9. (Definition and Ascertainment of Price.) (1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties. (2) The price may be made payable in any personal property. (3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply. (4) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

Sec. 10. (Sale at a Valuation.) (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed

by a third person and such third person without fault of the seller or the buyer, cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor. (2) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed in parts IV and V of this act.

Conditions and Warranties.

Sec. 11. (Effect of Conditions.) (1) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first mentioned party may also treat the non-performance of the condition as a breach of warranty. (2) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligations to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

Sec. 12. (Definition of Express Warranty.) Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

Sec. 13. (Implied Warranties of Title.) In a contract to sell or a sale, unless a contrary intention appears, there is—(1) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass; (2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale; (3) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made. (4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or law, goods in which a third person has a legal or equitable interest.

Sec. 14. (Implied Warranty in Sale by Description.) Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by

description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

Sec. 15. (Implied Warranties of Quality.) Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows: (1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose. (2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality. (3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed. (4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is not implied warranty as to its fitness for any particular purpose. (5) An implied warranty or condition as to the quality or fitness for a particular purpose may be annexed by the usage of trade. (6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

Sec. 16. (Implied Warranties in Sale by Sample.) In the case of a contract to sell or a sale by sample: (a) There is an implied warranty that the bulk shall correspond with the sample in quality. (b) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 47 (3). (c) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample. Part II Transfer of Property as Between Seller and Buyer.

Sec. 17. (No property Passes until Goods are Ascertained.) Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 6.

Sec. 18. (Property in Specific Goods Passes when Parties so Intend.) (1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such times as the parties to the contract intend it to be transferred. (2) For the purpose of ascertaining the intention of the parties,

regard shall be had to the terms of the contract, the conduct of the parties, usages of trade and the circumstances of the case.

Sec. 19. (Rules for Ascertaining Intention.) Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer. Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed. Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done. Rule 3. (1) When goods are delivered to the buyer "on sale or return," or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time. (2) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction; (b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact. Rule 4. (1) Where there is a contract to sell unascertained or future goods by description, and the goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made. (2) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalents. Rule 5. If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to

the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

Sec. 20. (Reservation of Right of Possession of Property when Goods are Shipped.) (1) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee for the purpose of transmission to the buyer. (2) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract. (3) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer. (4) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance of payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is endorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts, making the transfer wrongful.

Sec. 21. (Sale by Auction.) In the case of a sale by auction —(1) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale. (2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve. (3) A right to bid may be reserved expressly by or on behalf of the seller. (4) Where

notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

Sec. 22. (Risk of Loss) Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that—(a) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery. (b) Where delivery has been delayed through the fault of either the buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occured but for such fault. Transfer of Title.

Sec. 23. (Sale by a Person not the Owner.) (1) Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell. (2) Nothing in this act, however, shall affect: (a) The provisions of any factor's acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof. (b) The Validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

Sec. 24. (Sale by One having a Voidable Title.) Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods provided he buys them in good faith, for value, and without notice of the seller's defect of title.

Sec. 25. (Sale by Seller in Possession of Goods Already Sold.) Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or trans-

fer were expressly authorized by the owner of the goods to make the same.

Sec. 26. (Creditor's Rights Against Sold Goods in Seller's Possession.) Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

Sec. 27. (Definition of Negotiable Documents of Title.) A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

Sec. 28. (Negotiation of Negotiable Documents by Delivery.) A negotiable document of title may be negotiated by delivery—(a) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the bearer, or (b) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to the bearer. Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been endorsed in blank or to bearer, any holder may indorse the same to himself or to any specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee.

Sec. 29. (Negotiation of negotiable Documents by Indorsement.) A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

Sec. 30. (Negotiable Documents of Title Marked "Not Negotiable.") If a document of title which contains an undertaking by a carrier, warehouseman or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable," "non-negotiable", or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title or placing thereon the words "not negotiable" "non-negotiable," or the like.

Sec. 31. (Transfer of Non-Negotiable Documents.) A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A Non-negotiable document cannot be negotiated and the indorsement of such a document gives the transferee no additional right.

Sec. 32. (Who May Negotiate a Document.) A negotiable document of title may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the document, the bailee issuing it undertakes to deliver the goods to the order of such person, or if at the time of negotiation the document is in such form that it may be negotiated by delivery.

Sec. 33. (Rights of Person to Whom Document has been Negotiated.) A person to whom a negotiable document of title has been duly negotiated acquires thereby: (a) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and (b) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

Sec. 34. (Rights of Person to whom Document has been Transferred.) A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor. If the document is non-negotiable, such person also requires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document. Prior to the notification of such bailee by the transferor or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Sec. 35. (Transfer of Negotiable Document without Indorsement.) Where a negotiable document of title is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Sec. 36. (Warranties on Sale of Document.) A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants: (a) That the document is genuine; (b) That he has a legal right to negotiate or transfer it; (c) That he has knowledge of no fact which would impair the validity or worth of the document, and (d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

Sec. 37. (Indorser not a Guarantor.) The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorser thereof to fulfill their respective obligations.

Sec. 38. (When Negotiation Not Impaired by Fraud, Mistake or Duress.) The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress, or conversion, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefor in good faith without notice of the breach of duty, or loss, theft, fraud, accident, mistake, duress, or conversion.

Sec. 39. (Attachment or Levy upon Goods for which a Negotiable Document has been Issued.) If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

Sec. 40. (Creditors' Remedies to Reach Negotiable Documents.) A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process. Part III. Performance Of The Contract.

Sec. 41. (Seller must Deliver and Buyer Accept Goods.) It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

Sec. 42. (Delivery and Payment are concurrent Conditions.) Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

Sec. 43. (Place, Time and Manner of Delivery.) (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business if he have one, and if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract of the sale was made were in some other place, then that place is the place of delivery. (2) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time. (3) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods. (4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact. (5) Unless otherwise agreed the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

Sec. 44. (Delivery of Wrong Quantity.) (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received. (2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole

of the goods so delivered he must pay for them at the contract rate. (3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole. (4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

Sec. 45. (Delivery in Instalments.) (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments. (2) Where there is a contract to sell goods to be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

Sec. 46. (Delivery to a Carrier on Behalf of the Buyer.) (1) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 19, Rule 5, or unless a contrary intent appears. (2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages. (3) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

Sec. 47. (Right to Examine Goods.) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract. (2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable op-

portunity of examining the goods for the purpose of ascertaining whether they are on confirmity with the contract. (3) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with words "collect on delivery", or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

Sec. 48. (What Constitutes Acceptance.) The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistence with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

Sec. 49. (Acceptance does not Bar Action for Damages.) In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale, But, if after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know of such breach, the seller shall not be liable therefor.

Sec. 50. (Buyer not Bound to Return Goods Wrongly Delivered.) Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right to do so, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

Sec. 51. (Buyer's Liability for failing to Accept Delivery.) When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the right against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default. Part IV. Rights of Unpaid Seller against the goods.

Sec. 52. (Definition of Unpaid Seller.) (1) The seller of the goods is deemed to be an unpaid seller within the meaning of this act—(a) When the whole of the price has not been paid or tendered. (b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of

the instrument, the insolvency of the buyer, or otherwise. (2) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

Sec. 53. (Remedies of an Unpaid Seller.) (1) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has—(a) a lien on the goods or right to retain them for the price while he is in possession of them; (b) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them; (c) A right of resale as limited by this act; (d) A right to rescind the sale as limited by this act. (2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage in transitu where the property has passed to the buyer.

Sec. 54. (When Right of Lien may be Exercised.) (1) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely: (a) Where the goods have been sold without any stipulation as to credit; (b) Where the goods have been sold on credit, but the term of credit has expired. (c) Where the buyer becomes insolvent. (2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Sec. 55. (Lien after Part Delivery.) Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

Sec. 56. (When Lien is Lost.) (1) The unpaid seller of goods loses his lien thereon—(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof: (b) When the buyer or his agent lawfully obtains possession of the goods; (c) By waiver thereof. (2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods. Stoppage in Transitu.

Sec. 57. (Seller may stop Goods on Buyer's Insolvency.) Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods at any time while they are in transit and he will then become entitled to the same

rights in regard to the goods as he would have had if he had never parted with the possession.

Sec. 58. (When Goods are in Transit.) (1) Goods are in transit within the meaning of Section 57. (a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee; (b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back. (2) Goods are no Longer in transit within the meaning of Section 57. (a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination; (b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer; (c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf. (3) If the goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case whether they are in the possession of the master as a carrier or as agent of the buyer. (4) If part delivery of the goods has been made to the buyer or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

Sec. 59. (Ways of Exercising the Right to Stop.) (1) The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer. (2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation. Resale by the Seller.

Sec. 60. (When and How Resale may be Made.) (1) Where the goods are of perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default,

or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller saving a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale. (2) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer. (3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made. (4) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer. (5) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

Sec. 61. (When and How the Seller may Rescind the Sale.) (1) An unpaid seller having the right of lien or having stopped the goods in transitu may rescind the transfer of title and resume the property in the goods where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale. (2) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of recission was asserted.

Sec. 62. (Effect of Sale of Goods Subject to Lien or Stoppage in Transitu.) Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto. If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiations be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the

sellers claim to a lien or right of stoppage in transitu. Part V. Action for Breach of the Contract. Remedies of the Seller.

Sec. 63. (Action for the Price.) (1) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods. (2) Where, under a contract to sell or sale, the price is payable on a certain day, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it. (3) Although the property in the goods has not passed, if they cannot readily be resold for a reasonable price, and if the provisions of section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

Section 64. (Action for Damages for Non-acceptance of the Goods.) (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the sellers may maintain an action against him for damages for non-acceptance. (2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract. (3) Where there is an available market for the goods in question, the measure of damage is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept. (4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

Sec. 65. (When Seller may Rescind Contract or Sale.) Where the goods have not been delivered to the buyer, and the buyer has

repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

Sec. 66. (Action for Converting or Detaining Goods.) Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

Sec. 67. (Action for Failing to Deliver Goods.) (1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for non-delivery. (2) The measure of damages is the loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract. (3) Where there is an available market for the goods in question and the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

Sec. 68. (Specific Performance) Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just.

Sec. 69. (Remedies for Breach of Warranty.) (1) Where there is a breach of warranty by the seller, the buyer may, at his election —(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price; (b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty. (c) Refuse to accept the goods; if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty; (d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid. (2) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted. (3) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods,

or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if the deterioration injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale. (4) Where the buyer is entitled to rescind the sale and elects to do so, if the buyer shall cease to be liable for the price upon return or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price. (5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of a portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 53. (6) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty. (7) In the case of breach of Warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

Sec. 70. (Interest and Special Damages.) Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid when the consideration for the payment of it has failed. Part VI. Interpretation.

Sec. 71. (Variation of Implied Obligations.) Where any right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

Sec. 72. (Rights may be Enforced by Action.) Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

Sec. 73. (Rule for Cases not Provided for by this Act.) In any case not provided for in this act, the rules of law and equity, including the law merchant and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invali-

dating cause, shall continue to apply to contracts to sell and to sales of goods.

Sec. 74. (Interpretation Shall Give Effect to Purposes of Uniformity.) This act shall be so interpreted and construed, as to effectuate its general purpose to make uniform the laws of those states which enact it.

Sec. 75. (Provisions not Applicable to Mortgages.) The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

Sec. 76. (Definitions.) (1) In this act, unless the context or subject matter otherwise requires—"Action" includes counterclaim, set-off and suit in equity. "Buyer" means a person who buys or agrees to buy goods or any legal successor in interest of such person. "Defendant" includes a plaintiff against whom a right of set-off or counterclaim is asserted. "Delivery" means voluntary transfer of possession from one person to another. "Divisible contract to sell or sale" means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation. "Document of title to goods" includes any bill of lading, dock warrant, warehouse receipt or order for delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing, or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document. "Fault" means wrongful act or default. "Fungible goods" means goods of which any unit is from its nature or by merchantile usage treated as the equivalent of any other unit. "Future goods" means goods to be manufactured or acquired by the seller after the making of the contract of sale. "Goods" include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale. "Order" in sections of this act relating to documents of title means an order by indorsement on the documents. "Persons" includes a corporation or partnership of two or more persons having a joint or common interest. "Plaintiff" includes defendant asserting a right of set-off or counter-claim. "Property" means the general property in goods, and not merely a special property. "Purchaser" includes mortgagee and pledgee. "Purchases" includes taking as a mortgagee or a pledgee. "Quality of goods" includes their state or condition. "Sale" includes a bargain and sale as well as a sale and delivery. "Seller" means a person who sells or agrees to sell goods, or any legal successor in the interest of such person. "Specific goods" means goods identified

and agreed upon at the time a contract to sell or a sale is made. "Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, constitutes value where goods or documents of titles are taken either in satisfaction thereof or as security therefor. (2) A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not. (3) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not. (4) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

Sec. 76. a. (Act does not apply to the Existing Sales or Contracts to Sell.) None of the provisions of this act shall apply to any sale, or to any contract to sell, made prior to the taking effect of this act, Sec. 76 b. (No Repeal of Uniform Warehouse Receipts Act or Uniform Bills of Lading Act.) Nothing in this act or in any repealing clause thereof shall be construed to repeal or limit any of the provisions of the Act to Make Uniform the Law of Warehouse Receipts, or of the Act to Make Uniform the Law of Bills of Lading.

Sec. 77. (Inconsistent Legislation Repealed.) All acts or parts of acts inconsistent with the act are hereby repealed except as provided in section 76b.

Sec. 78. (Name of Act.) This act may be cited as the Uniform Sales Act.

Approved July 22, 1931.

No. 486) (H. 415—Tate

AN ACT

To fix the amount of compensation to be allowed Clerks, Registers in Chancery or other officers of Courts, in Counties in this State having according to the last or any subsequent Federal Census, 200,000 inhabitants or more, for examining vouchers of Receivers or Trustees or other persons making settlement of trusts, in pending causes and in cases arising in the future, in the Courts of this State.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all cases now pending or arising in the future, in Counties of this State having according to the last or any subsequent Federal Census 200,000 inhabitants or more, the amount of compensation to be allowed Clerks, Registers in Chancery, or other officers of Courts for examining vouchers of receivers or

trustees or other persons making settlement of trust in the Courts of this State, shall in no case exceed the maximum amount of One dollar and all such fees when collected shall by such Clerk be paid into the County Treasury of such County.

Section 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Approved July 22, 1931.

No. 487) (H. 468—Kettler

AN ACT

To amend Section 9583 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 9583 of the Code of Alabama, 1923, be and the same is hereby amended to read as follows: No Judge of Probate or his Clerk or any Register shall prepare or assist in the preparation of any paper, document, or instrument, which is to be heard or determined by such judge or register, or which may become a subject of controversy before such judge or register; but such judge or his clerk may prepare or assist in the preparation of acknowledgments and proof of conveyances, affidavits, oath, affirmations, or any instrument which by law is required to be prepared by such judge. Any judge of probate or his clerk or any register who shall prepare or assist in the preparation of any paper, document, or instrument in violation of this section shall forfeit the sum of Three Hundred Dollars, one third to the use of the State, and two-thirds to the use of any person who may sue for the same. Provided further, that any citizen of the county in which the violation may occur may sue, in his own name, for this penalty in the Circuit Court of Said County.

Approved July 22, 1931.

No. 488) (H. 486—Goodwyn

AN ACT

To govern the issuance of bills of lading covering transportation of property by common carriers, the transferability thereof, the rights and liability of parties thereunder, to make uniform the law relating thereto and to prescribe penalties for certain offenses in connection therewith.

Be it Enacted by the Legislature of Alabama:

Section 1. Bills of lading issued by any common carrier shall be governed by this act, so far as the same does not unlawfully affect interstate commerce.

Section 2. A bill in which it is stated that the goods are consigned or destined to a specified person is a non-negotiable or straight bill.

Section 3. A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill is a negotiable or an order bill. Any provision in any such bill or in any notice, contract, rule, regulation or tariff that it is non-negotiable shall be null and void and shall not affect its negotiability within the meaning of this act, unless upon its face and in writing agreed to by the shipper.

Section 4. Order bills issued in this State for transportation of goods to any place in this State, or any place in the United States on the continent of North America, except Alaska and Panama, shall not be issued in parts or sets. If so issued, the carrier issuing them shall be liable for failure to deliver the goods described therein to anyone who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts; provided, however, that nothing contained in this Section shall be interpreted or construed to forbid the issuing of order bills in parts or sets for such transportation of goods to Alaska, Panama, Porto Rico, the Phillipines, Hawaii or foreign countries, or to impose the liabilities set forth in this Section for so doing.

Section 5. When more than one order bill is issued in this State for the same goods to be transported to any place in the United States on the continent of North America, except Alaska and Panama, the word "duplicate" or some other word or words indicating that the document is not an original bill shall be placed plainly upon the face of every such bill, except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to anyone who has purchased the bill for value in good faith as an original even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill; provided, however, that nothing contained in this Section shall in such case for such transportation of goods to Alaska, Panama, Porto Rico, the Phillipines, Hawaii, or foreign countries, be interpreted or construed so as to require the placing of the word "duplicate" thereon, or to impose the liability set forth in this Section for failure so to do.

Section 6. A straight bill shall have placed plainly upon its face by the carrier issuing it "non-negotiable" or "not negotiable". This Section shall not apply, however, to memoranda or acknowledgments of an informal character.

Section 7. The insertion in an order bill of the name of the person to be notified of the arrival of the goods shall not limit the negotiability of the bill or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

Section 8. A carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods, or if the bill is negotiable, by the holder thereof, if such demand is accomplished by : (a) An offer in good faith to satisfy the carrier's lawful lien upon the goods. (b) Possession of the bill of lading and an offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is negotiable, and (c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier. In case the carrier refuses or fails to deliver the goods in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

Section 9. A carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is: (a) A person lawfully entitled to the possession of the goods, or (b) The consignee named in a straight bill, or (c) A person in possession of an order bill for the goods by the terms of which the goods are deliverable to his order, or which had been endorsed to him or in blank by the consignee or by the mediate or immediate endorsee of the consignee.

Section 10. Where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to any one having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by sub-divisions (b) and (c) of the preceding section; and though he delivered the goods as authorized by either of such subdivisions, he shall be so liable if prior to such delivery he: (a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or (b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods. Such request or information to be effective within the meaning of this section must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties included action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

Section 11. Except as provided in Section 26, and except when compelled by legal process, if a carrier delivers goods for which an order bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to any one who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier, and notwithstanding delivery was made to the person entitled thereto.

Section 12. Except as provided in Section 26, and except when compelled by legal process, if a carrier delivers part of the goods for which a negotiable bill has been issued and fails either: (a) To take up and cancel the bill, or (b) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages which have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill to anyone who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

Section 13. Any alteration, addition or erasure in a bill after its issue, without authority from the carrier issuing the same either in writing or noted on the bill, shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

Section 14. Where an order bill has been lost, stolen or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss, theft or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss incurred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees; provided, a voluntary indemnifying bond without order of court shall be binding on the parties thereto. The delivery of the goods under an order of the court as provided in this section shall not relieve the carrier from liability to a person to whom the order bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Section 15. A bill upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

Section 16. No title to goods or right to their possession, asserted by a carrier for his own benefit shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

Section 17. If more than one person claims the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for non-

delivery of the goods, or as an original suit, whichever is appropriate.

Section 18. If some one other than the consignee or person in possession of the bill has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods either to the consignee or person in possession of the bill, or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Section 19. Except as provided in the two preceding sections and in section 9, no right or title of a third person, unless enforced by legal process, shall be a defense to an action brought by the consignee of a straight bill or by the holder of an order bill against the carrier for failure to deliver the goods on demand.

Section 20. When goods are loaded by a carrier, any such carrier shall count the packages of goods, if package freight, and ascertain the kind and quantity if bulk freight, and such carrier shall not in such case insert in the bill of lading or in any notice, receipt, contract, rule, regulation or tariff "Shipper's weight, load and count" or other words of like purport, indicating that the goods were loaded by the shipper and a description of them made by him, or in case of bulk freight and freight not concealed by packages, the description made by him. If so inserted, contrary to the provisions of this section, such words shall be treated as null and void and as if not inserted therein.

Section 21. When package freight or bulk freight is loaded by a shipper and the goods are described in a bill of lading merely by a statement of marks or labels upon them, or upon packages containing them or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill of lading that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown or words of like purport are contained in the bill of lading, such statements, if true, shall not make liable the carrier issuing the bill of lading, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in a condition they were said to be by the consignor. The carrier may also, by inserting in the bill of lading the words "Shipper's weight, load and count" or other words of like purport indicate that the goods were loaded by the shipper and the description of them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the non-receipt or by the mis-description of the goods described in the bill of lading. Provided, however, where the shipper of bulk freight installs and maintains adequate facilities for weigh-

ing such freight, and the same are available to the carrier, then the carrier, upon written request of such shipper, and when given a reasonable opportunity so to do, shall ascertain the kind and quantity of bulk freight within a reasonable time after such written request, and the carrier shall not in such cases insert in the bill of lading "shipper's weight" or other words of like purport, and if so inserted contrary to the provisions of this section, such words shall be treated as null and void and as if not inserted therein.

Section 22. Where a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the receiving of goods and issuing bills of lading, a carrier shall be liable to: (a) The owner of the goods covered by a straight bill subject to existing right of stoppage in transitu, or (b) The holder of an order bill who has given value in good faith, relying upon the description therein of the goods, or upon the shipment being made upon the date therein shown. For damage caused by the non-receipt by the carrier of all or part of the goods upon or prior to the date therein shown, or their failure to correspond with the description thereof in the bill at the time of its issue.

Section 23. If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner and an order bill is issued for them, they cannot thereafter, while in the possession of the carrier, be attached by garnishment or otherwise, or be levied upon under an execution, unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

Section 24. A creditor whose debtor is the owner of an order bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill, or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Section 25. If an order bill is issued the carrier shall have a lien on the goods therein mentioned, for all charges on those goods for freight, storage, demurrage, terminal charges and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, and all other charges incurred in transportation and delivery, and for no other charges, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier.

Section 26. After goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because

they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods to the consignee or owner of the goods, or to a holder of a bill given for the goods when they were shipped, even if such bill be an order bill.

Section 27. An order bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has endorsed it in blank.

Section 28. An order bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner.

Section 29. A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby. A non-negotiable bill cannot be negotiated, and the indorsement on such a bill gives the transferee no additional right.

Section 30. An order bill may be negotiated by any person in possession of the same, however, such possession may have been acquired, if, by the terms of the bill, the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

Section 31. A person to whom an order bill has been duly negotiated acquires thereby: (a) Such title to the goods as the person negotiating the bill to him has or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value, and (b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him.

Section 32. A person to whom a bill has been transferred but not negotiated acquires thereby as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor. If the bill is a straight bill, such person also acquires the right to notify the carrier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification. Prior to the notification of the carrier by the transferor or transferee of a straight bill, the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the

carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor. A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time with the exercise of reasonable diligence to communicate with the agent or agents having actual possession or control of the goods.

Section 33. Where an order bill is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferer acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

Section 34. A person who negotiates or transfers for value a bill by indorsement or delivery, unless a contrary intention appears, warrants: (a) That the bill is genuine, (b) That he has a legal right to transfer it, (c) That he has knowledge of no fact which would impair the validity or worth of the bill, and (d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a bill the goods represented thereby

Section 35. The indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.

Section 36. A mortgagee or pledgee, or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or to warrant the genuineness of such bill or the quantity or quality of the goods therein described.

Section 37. The validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress, loss, theft or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor, in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress, loss, theft or conversion.

Section 38. Where a person having sold, mortgaged or pledged goods which are in a carrier's possession and for which an order bill has been issued, or having sold, mortgaged, or pledged the order bill representing such goods, continues in possession of

the order bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

Section 39. Where an order bill has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior to or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu, nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

Section 40. Except as provided in Section 39, nothing in this act shall limit the rights and remedies of a mortgagee or line holder whose mortgages or lien on goods would be valid, apart from this act, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possesion of them.

Section 41. Any person who knowingly or with intent to defraud, falsely makes, alters, forges, counterfeits, prints or photographs any bill of lading purporting to represent goods received within this State for shipment, or with like intent utters or publishes as true and genuine any such falsely altered, forged, counterfeited, falsely printed or photographed bill of lading, knowing it to be falsely altered, forged, counterfeited, falsely printed or photographed, or aids in making, altering, forging, counterfeiting, printing or photographing, or uttering or publishing the same, or issued or aids in issuing or procuring the issue of or negotiates or transfers for value a bill which contains a false statement as to the receipt of the goods, or as to any other matter, or who, with intent to defraud, violates or fails to comply with, or aids in any violation of, or failure to comply with any provision of this act, shall be guilty of a crime, and, upon conviction, shall be punished for each offense, by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or both.

Section 42. (1) In this act, unless the context or subject matter otherwise requires: "Action" includes counter claim, set-off, and suit in equity. "Bill" means bill of lading governed by this act. "Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made. "Consignor" means the person named in the bill as the person from whom the goods have been received for shipment. "Goods" means merchandise or chattels in course of transportation, or which have been

or are about to be transported. "Holder" of a bill means a person who has both actual possession of such bill and a right of property therein. "Order" means an order by indorsement on the bill. "Person" includes a corporation or partnership or two or more persons having a joint or common interest. "To purchase" includes to take as mortgagee and to take as pledgee. "State" includes any territory, district, insular possession or isthmian possession. (2) A thing is done "in good faith," within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not. "Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not constitutes value where a bill is taken either in satisfaction thereof or as security therefor.

Section 43. If any section, paragraph, sentence or phrase in this act shall for any reason be held to be unconstitutional or void, the same shall not affect the remaining portions of this act.

Section 44. Provisions of this act shall not apply to bills made and delivered prior to the taking effect thereof.

Section 45. All laws or parts of laws inconsistent herewith are hereby repealed.

Approved July 22, 1931.

No. 489) (H. 513—West.

AN ACT

To Amend Section 6 of An Act approved September 10th, 1927, and entitled an Act "to provide a code of laws authorizing and governing the issuance, sale regulation, funding, refunding, paying and retiring of bonds of the counties and municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, Code of Alabama of 1923 and all other laws or parts of laws in conflict with this Act."

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6 of the Act approved September 10th, 1927, and entitled An Act "to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the counties and municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act,"

be and the same hereby is, amended so as to read as follows: "Section 6. OBJECTS AND PURPOSES FOR WHICH BONDS MAY BE ISSUED: All municipalities shall have full and continuing power and authority within the limits of the Constitution now in effect or that may be hereafter provided, to issue and sell bonds, when such issue is authorized by the election herein provided for, for the following named purposes, to-wit: 1. For the purpose of construction of public buildings, sewers, streets, alleys, bridges and public schoolhouses and buildings and to purchase or acquire waterworks and light plants, or to construct the same, or to provide the same by purchases and improvements or by improvement alone. 2. For the purchase of real estate necessary for any improvement authorized by law, or for the site for any building or improvement to be used for public purposes. 3. For extending, enlarging, improving, repairing or securing the more complete use of and enjoyment of any building or improvement owned, purchased or constructed by the municipality, for equipping and furnishing the same. 4. For the erection of crematories or garbage disposal plants or for the purpose of providing other means for the disposal of garbage and refuse matter. 5. For the construction of streets and sidewalks, and for the repairing or improving of any street, or sidewalk or other public highway; for opening, widening and extending any street or public highways. 6. For purchasing or condemning any land necessary for street or highway purposes, and for improving the same by paying any portion of the cost of such improving. 7. For the erecting of infirmaries, hospitals, pesthouses, or for rebuilding, extending, enlarging or repairing same. 8. For erecting prisons, workhouses, police stations, houses of refuge and correction. 9. For erecting market houses and providing market places. 10. For erecting city or town halls and public offices; public school houses and buildings to be used in connection with same; for the erection and establishment of public auditoriums, and other buildings for public meetings and for the purpose of re-building, extending, enlarging, repairing and equipping and furnishing the same. 11. For acquiring, providing or constructing water works, to supply water to such municipal corporations, or to the inhabitants thereof, and for the purpose of repairing, improving, extending or enlarging such water works system. 12. For the purpose of repairing, improving and maintaining waterworks to supply water to the municipal corporations or the inhabitants thereof. 13. For acquiring, providing or constructing lighting plants for supplying light to the municipality or to the inhabitants thereof. 14. For the purpose of repairing, improving, and maintaining lighting plants for supplying light to the municipality or the inhabitants thereof. 15. For purchasing or providing grounds for cemeteries, or for enclosing, improving or embellishing the same; for building crematories and public burial vaults. 16. For the construction of sanitary and storm

water sewers or drains, sewerage plants, filtration beds, and for the purpose of acquiring land or right of way for such purposes. 17. For establishing free public libraries and reading rooms. 18. For the establishment of public baths. 19. For improving any water course or water front, for constructing docks, wharves, landings, levees and embankments within the limits of the municipality and for the purpose of protecting a city from the encroachments of streams and rivers. 20. For the payment of obligations arising from emergencies, resulting from epidemics or floods or other forces of nature. 21. For the purchasing or condemning of the necessary land for parks, boulevards and public places; for improving or completing the same, or for acquiring additional land for parks, boulevards or public places. 22. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning land necessary therefor; for the purpose of constructing bridges or tunnels over or under any railroad track, or for the abolition of grade crossings, and for the purpose of paying for damage caused to abutting property owners by the construction of any one of the improvements named in this subdivision. 23. For erecting any building necessary for a fire department, for the purchase of fire engines, fire boars, or fire equipment; for constructing water towers, reservoirs and cisterns, or for paying the cost of placing underground the wires or other signal apparatus of any fire department. 24. For the purpose of providing for the payment of any obligations of any municipal corporation, whether arising from administration or from the acquisition of any property for public use or the construction of any improvement or otherwise, or whether said obligations shall have matured or not at the time of said issue. 25. For the payment of any deficiencies in the revenue of any municipal corporation; for the funding of floating debts, and for such other purposes as may be authorized by law or by the charter of any municipal corporation. 26. For the purpose of providing any money or moneys deemed necessary by the governing body to provide for the administration of the city to the expiration of the fiscal year. 27. For constructing, establishing or acquiring abbattoirs and the necessary land upon which to operate same. 28. For the erection of public comfort stations. 29. For any other purpose for which it is authorized by law to expend money. 30. And, in Cities of one hundred thousand population, or more, according to the last or any succeeding Federal census, for the payment of any existing or anticipated deficiencies in the revenues of the City Board of Education in such Cities respectively, by whatever name called; for the funding of floating debts of any such City Board of Education in any such City, and for such other school purposes as may be deemed necessary by such City Board of Education in any such City.

Approved July 22, 1931.

No. 490) (H. 527—Sanderson

AN ACT

To require the Department of Examiner of Accounts to have examined the records of all county officers at least once in every two years and to provide for a sufficient number of assistants to the Chief Examiner of Public Accounts to carry out the provisions of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. The Department of Examiner of Accounts is hereby required to examine the records of each County officer in every County in this State at least once every two years and when said examination shall have been completed no subsequent examination for the period covered shall be made at the expense of the County.

Section 2. The Governor is hereby authorized to appoint assistant examiners in addition to those now authorized by Section 739 of the Code of 1923, sufficient in number to secure the enforcement of this act and said examiners shall have the same authority, be paid the same compensation and be governed by all the rules prescribed by Chapter 24 of the Code of 1923 and all amendments thereto.

Section 3. That all laws and parts of laws in conflict herewith be and are hereby expressly repealed.

Section 4. This Act shall become effective on its approval by the Governor.

Approved July 22, 1931.

No. 491) (H. 528—Sanderson.

AN ACT

To amend Section 4½ of an Act of the Legislature approved September 15th, 1919, entitled An Act "To provide for the General Revenue of the State of Alabama."

Be it Enacted by the Legislature of Alabama:

Section 1. That a trial tax of Three Dollars be, and the same hereby is, imposed in each case, civil, criminal and equity, which is now pending and which hereafter goes upon the docket of any circuit court in this State, to be taxed and collected as other costs, and when collected to be paid by the clerk or register of such court as follows: one-half thereof into the general funds of the State Treasury, and the other half into the general funds of the County in which the same is collected and for collecting and remitting such tax, the clerk or register may retain 5% commission thereof.

Section 2. That in all counties in this State where the clerk or register is paid a salary out of the County Treasury that the

5% commission provided for by Section One (1) of this Act shall be collected and retained by such clerk or register and paid into the County Treasury.

Section 3. That all laws and parts of laws in conflict herewith be and are hereby expressly repealed.

Section 4. That this Act shall become effective immediately upon its approval by the Governor.

Approved July 22, 1931.

No. 492) H. 591—Mize.

AN ACT

To amend Section 2377 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That Section 2377 of the Code of Alabama of 1923 be amended so as to read as follows: Section 2377—Compensation of Commissioners; When and How Paid—The President of the board of every city organized under the terms of this article, or organized under a special act and operating under the terms of this article, which shall have a population of 15,000 and not more than 35,000 by the last decennial census, shall receive a salary of Twenty-Two Hundred and Fifty (2250) Dollars per annum and each commissioner of such city shall receive a salary of Eighteen (1800.00) Hundred Dollars per annum, and the president of the board of every such city, so organized and operating which shall have a population of seven thousand and not more than fifteen thousand shall receive a salary of Fifteen Hundred Dollars per annum, and every commissioner of such city shall receive a salary of Twelve Hundred Dollars per annum. The salary of the commissioners of such cities so organized and operating, having a population of less than seven thousand shall be fixed by ordinance adopted by the commissioners, and shall be not less than One Hundred Dollars per annum, nor more than Nine Hundred Dollars per annum for each commissioner. All salaries of commissioners shall be paid monthly and at the same rate for every fraction of a year which they serve.

Section 2. All laws and parts of laws in conflict with this act are repealed, except where cities coming within the classes above set out are governed by special enactments or charters. Provided this act shall not apply to the city of Gadsden, Etowah County, Alabama.

Approved July 22, 1931.

No. 493) (H. 606—Barber.

AN ACT

To further regulate the practice of law; providing who may practice law; defining the practice of law; requiring a license for practicing law; and providing penalties for violations of the Act.

Be it Enacted by the Legislature of Alabama:

Section 1. Only such persons as are regularly licensed have authority to practice law.

Section 2. For the purposes of this Act, the practice of law is defined as follows: Whoever, (a) In a representative capacity appears as an advocate or draws papers, pleadings or documents, or performs any act in connection with proceedings pending or prospective before a court or a justice of the peace, or a body, board, committee, commission or officer constituted by law or having authority to take evidence in or settle or determine controversies in the exercise of the judicial power of the State or subdivision thereof; or, (b) For a consideration, reward or pecuniary benefit, present or anticipated, direct or indirect, advises or counsels another as to secular law, or draws or procures or assists in the drawing of a paper, document or instrument affecting or relating to secular rights; or, (c) For a consideration, reward or pecuniary benefit, present or anticipated, direct or indirect, does any act in a representative capacity in behalf of another tending to obtain or secure for such other the prevention or the redress of a wrong or the enforcement or establishment of a right; or, (d) As a vocation, enforces, secures, settles, adjusts or compromises defaulted, controverted or disputed accounts, claims or demands between persons with neither of whom he is in privity or in the relation of employer and employee in the ordinary sense; is Practicing Law. Nothing in this section shall be construed to prohibit any person, firm or corporation from attending to and caring for his or its own business, claims or demands; nor from preparing abstracts of title, certifying, guaranteeing or insuring titles to property, real or personal, or an interest therein, or a lien or encumbrance thereon.

Section 3. Any person, firm or corporation who is not a regularly licensed attorney who does an act defined in this Act to be an act of practicing law, is guilty of a misdemeanor, and on conviction must be punished as provided by law. And any person, firm or corporation who conspires with, or aids and abets, another person, firm or corporation in the commission of such misdemeanor must, on conviction, be punished as provided by law.

Section 4. If any clause, section, division or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, division or portion of this Act which is not itself unconstitutional.

Section 5. All laws and parts of laws in conflict or inconsistent with the provisions of this Act whether general, local or special be and the same are hereby expressly repealed.

Section 6. This Act shall become effective immediately upon its approval by the Governor.

Approved July 20, 1931.

Passed over Governor's Veto) (H. 613—Fite

AN ACT

To authorize and provide for the payment of Twelve Hundred Dollars ($1200.00), for the relief of Joe C. Tyra of Marion County, Alabama, who was injured on the 13th day of February, 1925, while serving a sentence in the State Penitentiary, from which injury he suffered the loss of his left arm.

WHEREAS, Joe C. Tyra, while serving a sentence in the State Penetentiary, on conviction of a felony in Marion County, on the 13th day of February, 1925, received injuries while working at a sawmill in River Falls, Alabama, from which injury and as a result therefrom he suffered the loss of his left arm; and,

WHEREAS, no compensation has been paid the said Joe C. Tyra for said injury:

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be, and is hereby, authorized and directed to issue his warrant on the State Treasurer in favor of Joe C. Tyra for the sum of Twelve Hundred Dollars ($1200.00), which shall be paid by the said Treasurer out of any funds in the State Treasury not otherwise appropriated.

Section 2. This act shall take effect upon its passage and approval by the Governor.

Passed over Governor's veto July 25, 1931.

Passed Over The
Governor's Veto (H. 633—Kelly of Talladega

AN ACT

To amend Sections 1, 6 and 7, of an Act entitled, "An Act entitled to create a State Service Commissioner, and to fix the duties, compensation and terms of office of such Commissioner, and to make an appropriation to carry out the purpose of this Act," approved June 6, 1927; and to create the offices of State Service Commissioner, and an Assistant State Service Commissioner, two State Service Field Commissioners, and a Secretary to the State Service Commissioner, and to fix the duties and compensation of such offices, and to provide for an appropriation to carry out the provisions of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an act entitled, "An Act to create a State Service Commissioner, and to fix the duties and compensa-

tion of such Commissioner, and to make an appropriation to carry out the purpose of this Act," approved June 6, 1927, be and the same is amended to read as follows: Section 1. There are hereby created the offices of State Service Commissioner, and the offices of Assistant State Service Commissioner, and the offices of two State Service Field Commissioners, and the office of Secretary to the State Service Commissioner.

Section 2. BE IT FURTHER ENACTED that Section 6 of an Act entitled, "An Act to create a State Service Commissioner, and to fix the duties and compensation of such Commissioner, and to make an appropriation to carry out the purpose of this Act," approved June 6, 1927, be and the same is amended to read as follows: Section 6. Compensation for the State Service Commissioner shall be $3,600.00 per annum, payable at the rate of $300.00 per month on his warrant drawn on the State Treasurer by the State Service Commissioner; Compensation for the Assistant State Service Commissioner shall be $3,000.00 per annum, payable at the rate of $250.00 per month on the warrant of the State Service Commissioner, drawn on the State Treasury; compensation for each of the two State Service Field Commissioners shall be $2,400.00 per annum, payable at the rate of $200.00 per month on the warrant of the State Service Commissioner, drawn by him on the State Treasurer; compensation for the Secretary to the State Service Commissioner shall be $1500.00 per annum, payable at the rate of $125.00 per month on the warrant of the State Service Commissioner, drawn by him on the State Treasurer. It shall be the duty of the State Service Commissioner in addition to the duties now required of him by law, to employ a filing clerk who shall be paid not more than $1200.00 per annum, payable at the rate of $100.00 per month on the warrant of the State Service Commissioner, drawn by him on the State Treasurer. The Assistant Service Commissioner, the two State Service Field Commissioners, the Secretary to the State Service Commissioner, and the filing clerk shall be appointed by the State Service Commissioner and shall hold office at the pleasure of the State Service Commissioner and each shall perform such duties as may be required of them by the State Service Commissioner incident to the carrying out of the purpose of this Act; and in the event the State Service Commissioner shall for any reason discharge one or more of said officers or said employee, it shall be his duty thereupon to appoint another or other person to fill said vacancy or vacancies as speedily as possible. The State Service Commissioner shall be furnished an office at the expense of the State of Alabama and shall be allowed expenses incident to and necessary for the conduct of said office, such expenses as may be incurred from traveling within or without the state by the State Service Commissioner and by the Assistant State Service Commissioner, or by either or both of the State Service Field Com-

missioners, for the purpose of carrying out the provisions of this Act; such expenses to be paid by the State Treasurer on warrants drawn by the State Service Commissioner. Said State Service Commissioner shall, before entering into the duties of his office, subscribe and execute an oath of office and a bond in the penal sum of $1,000.00 with sureties to be approved by the Governor conditioned upon his faithful performance of his duties.

Section 3. BE IT FURTHER ENACTED that Section 7 of an Act entitled, "An Act to create a State Service Commissioner and to fix the duties and compensation of such Commissioner, and to make an appropriation to carry out the purpose of this Act," approved June 6, 1927, be and the same is hereby amended: Section 7. An appropriation is hereby made out of the general fund of the State of Alabama in the sum of $30,000.00 per annum for the purpose of carrying out the provisions of this Act, including the salary and traveling expenses of the several officers hereinabove created and the salary of the filing clerk hereinabove referred to, together with stationery and postage and all other incidental expenses that may be necessary and proper for the purpose of carrying out the provisions of this Act; provided that all of said expenses and salaries shall not exceed the sum of $30,000.00 per annum, and that any part of said sum hereinabove appropriated remaining after the payment of the salaries and expenses hereinabove authorized shall enure to the general fund of the State of Alabama.

Section 4. All laws and parts of law in conflict with the provisions of this Act are hereby expressly repealed.

Section 5. If any section, clause, phrase or sentence of this Act shall be held to be unconstitutional such holding shall not affect or render unconstitutional any other section, clause, phrase or sentence of this Act not in itself unconstitutional.

Section 6. This Act will take effect upon its approval by the Governor.

Passed Over the Governor's Veto, July 25, 1931.

No. 497) (H. 667—Beebe.

AN ACT

For the Relief of Mrs. Matilda J. Hall of Baldwin County.

Section 1. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, that the Baldwin County Depository be and it is authorized to pay out of any money in said depository of the general funds of said county to Mrs. Matilda J. Hall the sum of $45.16, being the amount of money erroneously paid into the treasury of said county by reason of a tax redemption of certain lands, namely, the N½ of NW¼ of Sec. 9 in Township 2 North, Range 3 East,

sold for taxes for the taxes due for the year 1923 and which erroneous redemption was of date May 2nd, 1927, after the said lands attempted to be redeemed had been sold by the state of Alabama to the Baldwin Land Holding Company, Inc., which said amount with the interest thereon is now claimed by the said Mrs. Matilda J. Hall and which said amount is hereby authorized by this act to be repaid to her by said Baldwin County.

Section 2. BE IT FURTHER ENACTED, that the State Auditor is hereby authorized to draw his warrant upon the State Treasury in favor of Mrs. Matilda J. Hall for the sum of $21.75 to re-imburse her for an erroneous tax sale redemption on May 2nd, 1927, aforesaid, being the amount of money erroneously paid into the State Treasury and being the part of said tax redemption money paid by Mrs. Matilda J. Hall to go to the State of Alabama in the redemption aforesaid of certain lands, which were the N½ of NW¼ of Sec. 9 in Township 2 North, Range 3 East, in Baldwin County, Alabama.

Approved July 22, 1931.

Passed Over The Governor's Veto) (H. 754—Glover of Elmore.

AN ACT

For the Relief of B. F. Baltzer and to appropriate for the said B. F. Baltzer the sum of $2,000.00, by reason of personal injuries and the loss of an eye sustained by him when eleven prisoners confined in the penitentiary at Speigner, Alabama, made a desperate effort to escape and two of them did escape on March 21, 1930, shooting their way to liberty and injuring the said B. F. Baltzer, by shooting him six times, the said B. F. Baltzer being then and there yard sergeant at said penitentiary and an employee of the Board of Administration of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That out of any funds in the State Treasury, not otherwise appropriated, there is hereby appropriated the sum of $2,000.00 for the relief or B. F. Baltzer on account of the loss of an eye and six pistol wounds suffered by him when eleven convicts confined in the state penitentiary at Speigner, Alabama, made a desperate effort to escape and two of them did escape by shooting their way to liberty.

Section 2. That immediately after the passage of this Act and its approval by the Governor, the State Auditor shall issue his warrant upon the State Treasurer in favor of the said B. F. Baltzer in the sum of $2,000.00.

Section 3. All laws and parts of laws, local, special or general, in conflict with the provisions of this Act are hereby repealed.

Section 4. That should any part or paragraph or Section or parts of paragraphs or Sections of this Act be held by any court of this State unconstitutional none of the remaining parts or paragraphs or Sections hereof shall be affected thereby.

Passed Over the Governor's Veto, July 25, 1931.

No. 499) (H. 765—Fite

AN ACT

To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution, prescribing the number of Senators in the State Senate, such amendment to be known as Article XXB of the Constitution of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama, for their consideration at the next general election, to-wit: Article XXB. The Senate of Alabama shall be composed of one senator from each county, who shall be elected by the qualified electors at the general election in 1934, and in every fourth year thereafter.

Section 2. That it shall be the duty of the Governor to give notice by proclamation, to be published in one newspaper in each county in the State at least eight successive weeks next preceding the day hereby appointed for such election on the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration together with the proposed amendment.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided, the qualified voters shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, to-wit: "Shall the following be adopted as an amendment to the Constitution of Alabama: "Article XXB. The Senate of Alabama shall be composed of one senator from each county, who shall be elected by the qualified electors at the general election in 1934, and in every fourth year thereafter." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by the cross-mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same

officials as provided by the election law of the State for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provision concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and, if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

Section 6. That the membership of the Senate of Alabama shall not be effected by the provisions of this amendment nor this act until the general election of 1934.

Passed the House July 7, 1931.

Passed the Senate July 14, 1931.

No. 502) (H. 914—Matthews.

AN ACT

To amend an Act of the Legislature of 1931, approved February 20, 1931, amending Section 6784 of the Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6784 of the Code of Alabama, as amended by Act approved February 20, 1931, be amended so as to read as follows: Warrants issued under the provisions of the two preceding sections, 6782 and 6783, may run for a time not exceeding fifteen (15) years and may bear interest at a rate not to exceed six per cent (6%) per annum. Said interest shall be payable annually or semi-annually and may be evidenced by coupons attached to said warrants or otherwise, in the discretion of the Court of County Commissioners or other governing body of said county.

Approved July 20, 1931.

No. 503) (H. 930—Kettler.

AN ACT

To authorize the Courts of County Commissioners, boards of Revenue, or other governing bodies of counties in this state, out of any road funds to pay to the municipal corporations in which the county court houses are located for the reasonable cost of public improvements now or here-

after constructed by such municipalities which benefit the property of such counties, provided the consent of the county governing body has been obtained before the commencement of the improvement.

Be it Enacted by the Legislature of Alabama:

Section One. That Courts of County Commissioners, Boards of Revenue, or other governing bodies of counties in this state, are hereby authorized out of any road funds to pay to the municipality in which the county court houses are located, the reasonable cost of public improvement, now or hereafter constructed by such municipalities, which benefit the property of such counties, provided that the consent of such county governing body has been obtained before the commencement of the improvement.

Section Two. This act shall be retroactive in its operation.

Section Three. All laws and parts of law in conflict herewith are hereby repealed.

Approved July 20, 1931.

No. 504) (H. 942—Tate.

AN ACT

To further regulate the jurisdiction of Justices of the Peace in Counties having a population of Three Hundred Thousand or more according to the last or any subsequent Federal census:

Be it Enacted by the Legislature of Alabama:

Section 1: That Justices of the Peace in all Counties having a population of Three Hundred Thousand or more according to the last Federal census or any subsequent Federal census, shall not have final jurisdiction to try and dispose of any criminal cases. In cases where warrants are issued by Justices of the Peace in misdemeanors, the same shall be made returnable to the Inferior Courts of such counties having jurisdiction to try such cases, and in cases of felonies such Justices of the Peace shall conduct preliminary investigations and where probable cause is shown shall bind the defendants over to the Circuit Court of such counties to await the action of the Grand Jury.

Approved July 20, 1931.

No. 506) (H. 987—Tate

AN ACT

To further regulate the jurisdiction of Inferior Courts or courts created in lieu of Justices of the Peace Courts in Counties having a population of Three Hundred Thousand or more according to the last Federal census or any subsequent Federal census:

Be it Enacted by the Legislature of Alabama:

Section 1. That Inferior Courts or courts created in lieu of Justices of the Peace in counties having a population of Three Hundred Thousand or more according to the last Federal census or any subsequent Federal census, which now have jurisdiction of all misdemeanors, shall have and are hereby given jurisdiction of all misdemeanors throughout the county, wherein is located such inferior courts concurrent with the Circuit Court of such counties, and the jurisdiction of each of such courts within said counties shall extend to the whole of said counties.

Section 2. All laws in conflict with the provisions of this act are hereby repealed.

Section 3. This act shall become the law immediately upon its passage.

Approved July 20, 1931.

No. 507) (H. 991—Bradford of Jefferson

AN ACT

To provide for the setting for trial of non-jury civil cases in Judicial Circuit which now have or may hereafter have ten or more circuit judges.

Be it Enacted by the Legislature of Alabama:

Section 1. That in Judicial Circuits which now have or hereafter may have ten or more Circuit Judges, dockets for the trial of non-jury civil cases shall be set for trial before each judge as signed to try civil cases in such circuits during each week in September beginning with the second Monday in September, and during the week preceding each call of the divisions including such circuits in the Supreme Court of Alabama, and during the first week of each call of the divisions including such circuits in the Supreme Court of Alabama; provided, however, that this Act shall not be construed so as to prevent or prohibit the trial of non-jury civil cases at other times allowed by law.

Approved July 20, 1931.

No. 508) (H. 1022—Morrow.

AN ACT

To define, regulate and license barbers and barber colleges, and other like businesses in counties of the State of Alabama having a population of three hundred thousand or over, according to the last or any subsequent Federal Census; to create a barbers' Commission for said counties; and to provide a penalty for the violation of the provisions hereof;

Be it Enacted by the Legislature of Alabama:

Section I. That after the passage of this act it shall be unlawful for any person, co-partnership, association or corporation to act as a barber, operate a barber college, barber shop or other like business, to advertise or assume to act as such without a license issued by the Barbers' Commission of the county wherein such act is done or sought to be done. No co-partnership, association or corporation, shall be granted a license, unless every member or officer of such co-partnership, association or corporation, who actively engages in the barber business, barber college or like business of such co-partnership, association or corporation, shall hold a license as a barber as hereinafter provided for.

Section II. A barber, barber shop, barber college or other like business within the meaning of this Act is any person, firm, partnership, co-partnership, association or corporation, who, for a valuable consideration, or hire, shaves or trims the beard; gives facial or scalp massages, or treats the same with oils or other preparations, s nges, shampoos, cuts or dyes the hair of a human being, or applies hair tonic or other cosmetic preparations, clays, or lotions to the scalp, neck or face, or engages in the teaching of any person or persons in the art of barbering as in this paragraph defined. Provided, However, the provisions of this Act shall not apply to (1) persons engaged in the practice of medicine, surgery or beauty culture, (2) persons actively engaged in the military service of the United States Government while acting in line of duty, (3) registered nurses in the course of their employment as such, (4) persons who render any of said services to members of their immediate families.

Section III. There is hereby created a Barbers' Commission for each county in the State of Alabama affected by this Act. The County Commission or like governing body of the counties affected shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of the State for three years, and of the counties affected hereby for at least one year, and who has had at least five years' experience as a barber, one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years, and until their successors are appointed and qualify, thereafter, the term of the members of said Commission shall be for

three years, and until their successors are appointed and qualify. There shall be at no time more than two Commissioners residing or doing business in any one city, town or village, of counties affected hereby. Members to fill vacancies shall be appointed and vacancies caused by the expiration of the term shall by said person be appointed from time to time as required. The Commission immediately upon the qualification of the member appointed each year shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act. Each member of the Commission shall receive as full compensation for each day actually spent in the work of said Commission the sum of seven dollars per day and his actual and necessary expenses thereby incurred. The Commission shall appoint, and at its pleasure discharge, a secretary-examiner and such assistants as may be deemed necessary to discharge the duties imposed by the provisions of this Act; said Commission shall outline their duties and fix their compensation subject to the general laws of this State. The Commission shall obtain such office space, furnishings, and other proper conveniences as shall be reasonably necessary for carrying out the provisions of this Act. The principal office of said Commission to be located at the county seat of the counties hereby affected. The Commission shall adopt a seal with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All records kept in the office of the Commission under authority of this act shall be open to public inspection under such rules and regulations as shall be prescribed by the Commission. All fees and charges collected by the Commission under the provisions of this Act shall be paid into the treasury of the counties hereby affected, and shall constitute a separate fund to be disbursed by the county treasurer on order of the Board of Commissioners and with the approval of the chairman of the Board of County Commissioners or Board of Revenue. All expenses incurred by the Commission, including the compensation of members and their employee, shall be paid out of such separate fund upon checks signed by the chairman of said Commission and approved by the Chairman of the Boards of County Commissioners or Boards of Revenue by the County Treasurer, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the county treasury by said Commission and all moneys remaining in said separate fund at the end of the fiscal year not expended as herein provided shall become a part of the general fund of the county.

Section IV. Licenses shall be granted only to persons of good moral character, who have an elementary school education, or its

equivalent, at least eighteen years of age, have practiced as an apprentice for a period of at least one year, and have passed a satisfactory examination conducted by the Commission. Provided, However, any person or persons engaged in the occupation of barbering for a period of less than one year may be licensed as an apprentice barber, provided he is seventeen years of age, and has an elementary school education, or its equivalent, upon successfully passing said Commissioner's examination for licensing a barber, as herein set forth.

Section V. Whenever the masculine gender is used in this Act it is to include the feminine gender. Every applicant for a barber's license, apprentice-barber's license, or for a license to operate a barber shop or barber's college, or other like business, shall apply therefor in writing on blanks prepared or furnished by said barbers' Commission. It shall be accompanied by the recommendation of at least two barbers doing business in said County, not related to applicant, certifying that the applicant is of good reputation, is qualified to practice the trade of barbering, and recommending that a license be granted. Said application shall be accompanied by the application fee hereinafter provided, and a reputable doctor's certificate certifying that said applicant has no communicable or contagious or infectious disease. The Commission, after applications in proper form have been filed, shall set the application down for a hearing (before refusing to issue a license), and determination as hereinafter provided in Section The Commission shall issue a license in such form as it may prescribe, which shall show the name and address of the licensee and the barber shop or college, in which he is employed. The seal of the Commission shall be imprinted on the license, and such other additional matter placed thereon as the Commission may designate. It shall be the duty of each person, co-partnership, association or corporation to conspicuously display his license in his place of business. The Commission shall issue to each licensee a pocket card, on which shall be an imprint of the seal of the Commission certifying that the person whose name appears thereon is a licensed barber or operator of one of the businesses herein named as the case may be. The original fee for each barber's license shall be fifteen dollars, and the annual renewal fee shall be fifteen dollars. The original fee for each person to operate a barber shop, barber college, or other like business shall, in addition to the fee hereinbefore provided, pay two dollars and fifty cents for each chair maintained and an annual renewal fee of one dollar for each chair maintained in said business. Every license shall expire on the 31st day of December of each year. The Commission shall issue a new license for the ensuing year in the absence of any reason or condition that might warrant the refusal of granting of the license upon the receipt of the written request of the applicant accompanied by the annual fee therefor, as herein re-

quired, and accompanied also by a certificate of a reputable physician asserting that the applicant then has no contagious, communicable or infectious disease. If the operator of a barber shop, barber college or other like business maintains more than one place of business within said county, a duplicate license shall be issued to said operator for each branch office maintained. The Commission may upon its own motion, and shall upon the verified complaint in writing of any three persons making out a prima facie case, investigate the actions of any person hereby affected, and shall have the power to suspend or to revoke any license issued under the provisions of this Act at any time where the licensee has fraudulently obtained the license, or where the licensee in performing or attempting to perform any of the acts mentioned herein is deemed to be guilty of (a) the violation of any state, county or city statute or ordinance pertaining to the operation of the business hereby affected, (b) the violation of any rule or regulation established by the Commission, (c) or who has failed upon the request of the Secretary-examiner to give evidence and/or proof of the compliance with the same. The Commission shall, before denying an application for license, or before suspending or revoking any license, set the matter down for a hearing, and at least twenty days prior to the date set for the hearing, notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made and the date and place of hearing. The applicant or licensee at all such hearings shall have the opportunity to be heard in person and by counsel. Such notice may be served by delivery of the same personally to the applicant or licensee, or by mailing the same by registered mail to the last known business of such applicant or licensee. In preparation and conduct of hearings, the Commission shall have power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the commission may sign subpoenas, administer oaths and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts of this State in civil cases. Any party to a hearing shall have the right to the attendance of witnesses in his behalf. In case of disobedience to a subpoena, any member of the Commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers, and such court may issue an order requiring the persons to appear before the Commission, and give evidence, or produce papers, as the case may be, and any failure to obey such order of the Court may be punished by the Court as a contempt thereof. Any person so refusing to appear and give testimony required by such Commission shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, as provided by Section of this Act. If the Commission shall determine that any applicant is not qualified to receive a license, or

that any licensee is guilty of a violation of any of the provisions of this Act, a license shall not be granted, or the same suspended or revoked as the case may require. Upon request of the applicant or licensee in writing, the Commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the Commission may be appealed to the Circuit Court of the county in which the principal office of the Commission is located, provided an appeal is taken within thirty days after such final determination of the Commission. Any person desiring to appeal under this section shall file with the Commission, or some member thereof, a notice in writing that he appeals to the Circuit Court with at least one solvent surety payable to the county wherein the case will be tried, conditioned to prosecute such appeal to effect, and upon failure so to do, to pay all costs and damages which may be taxed against him by the Circuit Court on such appeal. Such bond to be approved by the Circuit Clerk of the County, and any cause so appealed shall be tried de novo in said Circuit Court. The Commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicants to become barbers or barber-apprentices, and shall conduct said examination in accordance with the provisions hereof and in accordance with the rules and regulations promulgated by said Commission not inconsistent with this Act. Said examination to be conducted in the city, town, or village where the principal office of the Commission is located.

Section VI. Any person violating the provisions of this Act shall upon conviction be punished by a fine of not more than five hundred dollars, or by imprisonment for a term not to exceed six months, or by both fine and imprisonment in the discretion of the Court. This provision shall have application to any officer or agent of a corporation, co-partnership or association operated in violation of this Act. Any court of competent jurisdiction in said county shall have full power to try any violation of this Act, and upon conviction the Court may at its discretion revoke the license of the person, co-partnership, association or corporation violating the terms hereof. Before the Commissioners herein provided for shall receive a commission and enter upon the discharge of their duties each shall take and subscribe the oath provided by law to be taken by elective officers of the State of Alabama.

Section VII. If any section, sub-section, sentence, clause, phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause, phrase and requirements thereof, irrespective of the fact that

any one or more sections, sub-sections, sentences, clauses, phrases, or requirements be declared unconstitutional.

Section VIII. All laws, or parts of laws, in conflict with this Act be, and the same are, hereby repealed.

Section IX. Nothing in this Act contained shall affect the power of the State, County or municipality to tax, license and regulate persons, co-partnerships, associations or corporations, operating barber shops, barber colleges, or other like businesses. The requirements hereof shall be in addition to the requirement of any existing or future law or ordinance of any state, county, or municipality so taxing, licensing or regulating persons, co-partnerships, associations or corporations operating barber shops, barber colleges, or other like businesses.

Section X. This Act shall become effective on the day of, 19.....

Became a Law July 24, 1931, under Section 125 of the Constitution.

No. 510) (H. 1047—Christopher.

AN ACT

To Designate A Certain Road From York, Alabama, To Wagarville, Alabama, A State Trunk Road, Of The Primary System Of Highways.

Be it Enacted by the Legislature of Alabama:

Section 1. The following road is hereby designated a State Trunk Road, of the primary system of highways, described as follows: Beginning at York, in Sumter County, Alabama, and now running thence to Edna, to Robjohn, to Butler, to Toxey, to Gilbertown, to Silas, to Cullomburg, to Millry, to Chatom, to Wagarville, Alabama, and at both termini to connect with the State Highways running near or through those places and to be known and designated throughout as State Trunk Road Number 100, and to follow as nearly as practicable the line of the existing road.

Approved July 20, 1931.

No. 513) (H. 1086—Allen

AN ACT

To amend Section 3088 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 3088 of the Code of Alabama of 1923, be amended so as to read as follows: Section 3088. (2203) (4038) (558) FINAL SETTLEMENT TO BE MADE WITH THE

AUDITOR ON OR BEFORE THE FIRST DAY OF JULY.—On or before the first day of July in each year, the tax collector must make final settlement under oath, with the State Auditor, of all matters pertaining to the office of tax collector and pay over to the State Treasurer the balance which may be found due from him for taxes with which he is chargeable under the laws of the State; and at that time he must also account to the State Auditor and pay over to the State Treasurer all money received by him for the sale of lands and other property which may have been sold for payment of taxes and also account to the State Auditor for all lands bought in by the State. He must also report under oath to the State Auditor, and pay over to the State Treasurer all escaped taxes assessed and collected by him. For the failure of any tax collector to make any of the settlements herein required to be made, by the tenth day of July of each year, he shall forfeit ten dollars per day, which shall be deducted from the amount of commissions due and payable to him on such settlements, respectively; and it shall be the duty of the State Auditor, or the county treasurer or the custodian of the county funds, as the case may be, to withhold all commissions in cases where settlements, are not made by the said tenth day of July of each year; provided that for the year 1931, the time by which the tax collector can make his settlement to avoid the penalty herein provided shall be September 30th instead of July 10th, and that after the year 1931 the law shall be just as it was before this amendment.

Approved July 18, 1931.

No. 515) (H. 1094—Barber

AN ACT

To establish an Inferior Court of Record in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census and to define its jurisdiction and powers; to provide officers therefor and to fix their qualifications, powers, duties and compensation; to prescribe the practice and the procedure therein and the way, manner and method of appeals therefrom.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby established in all counties in this State having a population of 300,000 or more according to the last Federal Census or which may hereafter have such population according to any future Federal Census in Inferior Court of law which shall be called the_____County Court of Common Claims and which shall be a Court of Record and shall have and exercise the jurisdiction, authority, functions and powers hereinafter conferred upon it by this Act.

Section 2. Such courts shall have and exercise in their respective counties concurrently with the Circuit Court jurisdiction in civil cases where the amount involved exceeds the sum of One Hundred ($100.00) dollars and does not exceed the sum of $500.00 and shall have original, but not exclusive jurisdiction in actions of forcible entry and unlawful detainer.

Section 3. This court shall have power to punish for contempt in the same manner and may prescribe the same penalties as the Circuit Court.

Section 4. The court shall have the power and authority to make rules and regulations in regard to the pleading, practice and procedure therein in the same manner and to the same extent as Circuit Courts in this State.

Section 5. The Court herein provided nor the Judge thereof shall have authority to grant writs of certiorari, supersedeas, quo warranto, mandamus nor writs of injunction or ne exeat nor shall this Court exercise jurisdiction in any criminal or equity case or proceeding.

Section 6. The Judge of said Courts shall have and exercise in all cases and matters pending in said Courts the same authority and power now had and exercised by the Judges of the Circuit Courts of this State in cases and matters pending in said Circuit Courts, and shall have power and authority to issue Writs of Attachment and garnishment in matters of which the Court has jurisdiction wherever the Judges of the Circuit Courts of the State may issue Writs of Attachment and Garnishment.

Section 7. That the procedure, practice and rules governing Circuit Courts, shall apply to and govern the procedure and practice in the said Courts where the same are applicable, except as herein otherwise provided.

Section 8. That the Court shall be held in the Courthouse at the County seat, and the Court shall be open at all times for the trial of cases and the transaction of business. In case the Judge of said Court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said Court, it shall be the duty of the County Commission of such counties, upon the certificate of the clerk of the court of the fact of such sickness, disqualification or inability of the Judge to hold said Court, to appoint some practicing attorney as special Judge of said Court, who shall have and exercise all the power and authority of the Judge of the Court and shall perform all the duties imposed upon him, during the illness, disqualification or inability of said Judge. The Special Judge so appointed and acting shall receive for the time he holds Court as such special Judge the same compensation for the period of his services as the regular Judge of said Court.

Section 9. It shall be the duty of the County Commission, or other like governing body of such Counties to provide a suitable place in the courthouse, for the holding of said Courts and shall furnish all the books, stationery, papers and other things as provided by law for the Circuit Courts of the State that may be necessary for the operation and maintenance of said Courts.

Section 10. The terms of said Courts shall commence on the first day of January of each year and end on the 31st day of December of each year. The Judge of said Courts may determine and fix the time for holding the sessions of said Court for the trial of cases and may make and adopt all needful rules and regulations for the setting of cases, for trial and for the giving of notice to parties or their attorneys of Record of the dates on which said cases are set for trial.

Section 11. The Judge of this Court shall be a resident of the County in which the Court has jurisdiction and shall have been such a resident for five years next preceding his qualification as such judge. He shall be a qualified elector and shall be learned in the law and not less than twenty-five years of age.

Secton 12. That the Judge for such courts shall be appointed by the County Commission or like governing bodies of such counties for a term of six years and until his successor is elected and qualified. The successor of the judge so appointed shall at the expiration of his term be appointed by such County Commission for a term of six years. The Judge of said Courts before entering upon the duties of their office shall take the oath required by law to be taken by the Judges of the Circuit Courts of Alabama.

Section 13. Any vacancy in the office of the Judge of such Courts shall be filled by the County Commission or like governing bodies of such counties.

Section 14. The Judge of said Court shall receive a salary of $6000.00 per year, payable $500.00 per month at the end of each month out of the general fund of the County.

Section 15. There shall be a Clerk of said Court who shall be a resident citizen and qualified voter in the County in which Court has jurisdiction, who shall be appointed by and serve at the pleasure of such County Commission. That before entering upon the duties of his office said Clerk shall take the oath prescribed by the Constitution and enter into bond in such sum as may be fixed by the County Commission or like governing bodies of such counties, which shall be conditioned as the bonds of the Clerks of the Circuit Court are conditioned and be approved by and filed with the Probate Judge of said County. That his compensation shall be fixed by the County Commission or like governing bodies.

Section 16. That the Clerk of said Court shall appoint as many deputies or assistants as may be necessary for the proper discharge of the duties of the office which appointments shall be subject to

the approval of the County Commission and the compensation of said clerks and deputies shall be fixed by said Commission and paid out of the Treasury of such County.

Section 17. The duties of the Clerk of said Court shall be the same duties provided by law for Clerks of the Circuit Court of this State and he shall be liable to the same pains and liabilities as the Clerks of the Circuit Court.

Section 18. The Sheriff of the County in which such Courts have jurisdiction together with the marshals of Inferior Civil Courts shall execute all writs or processes enamating from said Court and shall receive therefor the same fees now allowed by law to Sheriffs for like services.

Section 19. The fees and costs that are now or hereafter allowed by law, except a State trial tax in cases in the Circuit Court shall be taxed and collected as provided by law in said Circuit Court and shall by the Clerk be paid into the County Treasury. In all cases instituted in said Court there shall be taxed as a County trial tax the sum of $3.00 in addition to the other costs and fees provided herein, which shall be collected as a part of the costs and shall be paid by the Clerk of the Court into the Treasury of the County for the benefit of the general fund.

Section 20. That in all actions in this Court, the defendants therein shall be required by the Summons served upon them to appear and plead or demur to the Complaint within ten days after the service of such Summons and Complaint upon them; and in all cases commenced by attachment, the defendants shall appear and demur or plead within ten days after the levy of the attachment or service of notice thereof; and in cases where suit is brought against non-residents or other persons upon whom service is had by publication, within ten days after perfection of such service by publication; and in all cases whether commenced by Summons and Complaint, Attachment or otherwise, any defendant failing to appear within the time fixed herein, after service upon him has been perfected, or notice given him as herein required, shall be held to be in default, at any time thereafter, on motion of the plaintiff, judgment by default shall be rendered against him; provided, that the Court may, for good cause show, allow such judgment so obtained by default, to be set aside, and demurrers or pleas to be filed on such terms as the Court may think just.

Section 21. That all garnishments issued from said Court shall require an answer thereto within ten days after the service thereof, and upon the failure of the garnishee to make such answer within ten days he shall be deemed to be in default, and a judgment nisi may be rendered against him on the motion of the plaintiff, and unless otherwise ordered by the Judge of said Court, all citation, rules, writs of Scire facias, and notices issuing from said Court, shall require the party against whom they are issued to ap-

pear and plead within ten days after notice thereof; and, if citation or notice is to be given by publication, then within ten days after perfection of service by publication; that all cases whether commenced by summons and complaint, attachment or otherwise, shall be deemed and taken to be triable upon the appearance of the defendant and his pleading to the Complaint.

Section 22. That upon the appearance of the defendant, or other person occupying the position of defendant in a cause, the said cause shall be set down for trial by the Clerk of the Court under the direction of the Judge.

Section 23. That all Summons and Complaints, Writs, notices or other processes of said Courts shall be served in the same manner as the Summons and Complaints, Writs, Notices and other processes of the Circuit Court are served.

Section 24. In all cases filed in said Courts the issues and questions of fact shall be tried by the Court without the intervention of a Jury, unless a Jury be demanded as now provided for demands for Jury trials in the Circuit Courts. Any demand for a Jury trial must be in writing and enclosed on the initial appearance or pleading filed in the cause, which shall be filed within the time fixed in this Act for appearing and filing pleadings provided, that a plaintiff electing to bring suit in this Court shall be deemed to have waived a trial by Jury and his election to file a suit in this Court shall be deemed as a matter of law as his waiver of his right to have such cause tried by a Jury.

Section 25. Whenever Juries are required to try issues in such Courts, the Judge of the Court shall procure the Jury box of the County and the key thereto, and shall draw from the Jury box as many names as he may think necessary in no case less than twenty-four, and must immediately return the key and box to the proper custodians thereof, respectively, and after each name is drawn it shall not be returned to the Jury box except as herein otherwise provided, and there shall be no selection of names except as hereinafter provided and shall make and file a record of the drawing and issue an order to the Sheriff requiring him to Summon the Jurors in the manner provided by law except where otherwise in this Act provided; The Juries so drawn and when empannelled shall serve in said Court from day to day for an entire week, if the cases set for the weeks require their attendance, for the trial of issues set for trial therein and until discharged by the Court Jurors shall possess all and singular the qualifications and be charged with the same duties, pains and penalties as jurors for Circuit Courts of this State; Provided further that such Courts shall have and exercise all the powers that are now or may hereafter be exercised by the Circuit Courts of this State with reference to drawing, empanneling and discharging Jurors and all the powers that are provided for the Circuit Courts in the Code of 1923 of Alabama, ex-

cept, said Court shall have no power or authority to draw or empanel any grand jury.

Section 26. Whenever there are not enough qualified Jurors in attendance upon the Court to permit the Juries required, the Judge of the Court shall draw from the Jury box names of as many jurors as he may deem necessary. The Sheriff shall forthwith summon all jurors thus drawn to attend Court when required and he may summon them by personal service or by telephone or by telegraph, or may in like manner order a deputy or special deputy to summon them. The Court shall then proceed to empannel or complete the empanneling of the Juries. Jurors for this Court shall have the same qualifications as Jurors drawn for the Circuit Courts and shall be challenged for cause on the same grounds as they are challenged for cause in the Circuit Courts. Each party has the right to challenge three of the Jury peremptorily, and the Judge for the trial of any case triable by a Jury, shall empanel eighteen Jurors from which panel each party may peremptorily challenge three jurors, the twelve not challenged to be the jury to try said case.

Section 27. That all the laws and rules applying and governing in the Circuit Court as to witnesses in causes pending therein and the attendance thereof, and the manner of paying, the amount to be paid, shall also apply and govern in such courts in like cases; and Jurors attending on said Court shall receive the same compensation to be taxed and paid in the same manner as jurors in the Circuit Courts.

Section 28. The law applicable to issuing and levying of executions in the Circuit Courts shall apply to the issuing and levying of executions from these Courts.

Section 29. The Judgments of these Courts may be recorded as provided by law for the recording of Judgments of the Circuit Court of this State, and the provisions of the Code and said laws shall be applicable to all such Judgments, and the said Judgments when so recorded, shall have the same force and effect as recorded Judgments of the Circuit Courts, and executions may issue on said Judgments in the said Circuit Courts. All Judgments of such Courts may be revived in the same manner as Judgments of the Circuit Courts of this State may be revived.

Section 29. That final judgments rendered in said Courts shall after the expiration of Fifteen (15) days from their rendition, be taken and deemed to have passed beyond the control of said Court, as if the term of Court at which said Judgments were rendered had ended, provided however, that nothing herein contained shall prevent the parties applying for a new trial or rehearing within said fifteen days, or change or destroy the office of motions of new trials or rehearings, when so made, or shall prevent parties from applying to the Court for rehearing under the statute authorizing

applications for rehearing in the Circuit Courts made within four months from the rendition of said Judgment. In all such applications for a rehearing made within four months from the rendition of Judgment, the Provisions of the Code of Alabama with reference to such rehearings made in the Circuit Court shall be applicable and shall govern such applications in this Court.

Section 30. That the Supreme Court and the Court of Appeals of this State shall have appellate and supervisory jurisdiction over said Courts, and the Judge thereof, which may be exercised over the Court in the same manner as such jurisdiction may be exercised over the Circuit Courts of the State, and the Judges thereof, and appeals may be taken from the final Judgment of said Court to the Supreme Court and the Court of Appeals in the same manner and within sixty days as appeals are now taken from the Judgment of the Circuit Courts of the State, and all such appeals shall be regulated by the provisions of law applicable to appeals from the Circuit Courts of the State, except as herein provided.

Section 31. The bills of exceptions relating to the trial of cases in said Court must be presented to the Judge of said Court within sixty (60) days from the date of Judgment in any cause tried therein, and must be signed by the trial Judge within thirty (30) days after the date of such presentation, and the date of presentation and signing of such bills of exceptions must be endorsed thereon by the trial Judge.

Section 32. The Judge of this Court shall be authorized to take and have a vacation of 30 days, with pay during such vacation, in each calendar year, and to absent himself from said Court for said number of days in each calendar year. The said number of days hereby allowed as a vacation to the Judge of this Court may be taken on successive days or at different intervals. Whenever the Judge desires to take a vacation as herein provided and absent himself from the Court, he shall certify to the County Commission of such counties the fact that he will be absent from the Court on a vacation and request said Commission to appoint a Judge to act as special Judge in his absence, whereupon the said Commission shall appoint a practicing attorney residing in the County over which said Court has jurisdiction as special Judge during the absence of the Judge of the Court, not to exceed thirty days. Such special Judge shall perform all the duties of the regular Judge of said Court, and while acting as such Special Judge shall perform all the duties of the regular Judge of said Court, and while acting as such Special Judge, shall have and exercise all the powers and authority of the said regular Judge and he shall be paid out of the Treasury of the County for the time he acts as special Judge the same compensation fixed herein to be paid the regular Judge. The fact of the absence of the regular judge under

the authority of this Section and the appointment of a special Judge in the manner herein provided shall be entered in the minutes of this Court.

Section 33. That in all counties in this State affected by the provisions of this Act where the officials are paid a salary out of the County Treasury that all cost of the Clerk and Sheriff shall be collected and paid into the Treasury of such County.

Section 34. Every intendment is in favor of the sufficiency and validity of proceedings in this Court, when brought in question, either directly or collaterally in any of the Courts of this State, where it appears on the face of the proceedings that this Court had jurisdiction of the subject matter and the parties.

Section 35. All judgments required to be signed shall be signed by the judge and the record thereof shall not be required to be more formal than a judgment rendered in a Court of the Justice of the Peace; nor shall it be necessary for the Clerk of the Court to make a final record of the pleadings, charges of Court nor processes except in cases appealed to the Court of Appeals or Supreme Court.

36. That all laws, both local and general in conflict with this Act are hereby repealed.

Approved July 20, 1931.

No. 516) (H. 1095—Green.

AN ACT

To require all cities and towns in counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census, to publish semi-annually in a daily newspaper, published in such county, a list of all persons drawing a salary from the treasury of such city or town together with the amount of compensation paid each such person and to provide penalties for the violation of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That all cities and towns in counties in this State having a population of 300,000 or more, according to the last or any subsequent Federal Census, shall on the 1st day of October and the 1st day of April of each year cause to be published in a daily newspaper, published in such county, a list of all persons whose compensation or any part thereof, is paid out of the treasury of such city or town together with the amount thereof, and that the expense of said publication shall be paid by such city or town.

Section 2. That a violation of the terms of this Act shall subject the city or town official or officials guilty of failing to so publish statement herein required to impeachment.

Approved July 20, 1931.

No. 517) (H. 1101—Sossaman

AN ACT

To authorize the County Commissioners, Board of Revenue, Board of Revenue and Road Commissioners, or any board exercising such jurisdiction in any County in the State of Alabama, having a population of not less than one hundred and five thousand and not more than three hundred thousand according to the last Federal Census or any succeeding Federal Census, to levy and impose an excise tax of not more than five cents per gallon on all kerosene manufactured, distributed or sold by any person, firm or corporation in such County, and to provide for the payment and collection of such tax, to provide that all monies for such tax shall be paid into the County Treasury or County Depository, and to be used for road and bridge purposes only in such County; and further to provide for the enforcement of the act and fixing punishment and penalties for the violation of any of the provisions thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That the County Commissioners, Board of Revenue, Board of Revenue and Road Commissioners, or any board exercising such jurisdiction in any County in the State of Alabama, having a population of not less than one hundred and five thousand and not more than three hundred thousand, according to the last Federal Census or any succeeding Federal Census, are hereby vested with full power and authority and may impose an excise tax of not more than five cents per gallon on all kerosene manufactured, distributed or sold by any person, firm or corporation in such County.

Section 2. That the excise tax so imposed by the County Commissioners, Board of Revenue, Board of Revenue and Road Commissioners or any such Board exercising the jurisdiction of County Commissioners, in any such County under and by virtue of authority given them by Section 1 of this Act, shall become due and payable on or before the 10th day of each and every month subsequent to the passage and approval of this Act; that each and every person, firm and corporation who manufactures, distributes or sells kerosene in any such County shall render to the party authorized by such County to collect said excise tax a true and correct statement of the number of gallons of kerosene manufactured, distributed or sold by him or them during the next preceding month, forms for such report to be furnished and prescribed by the governing body of such County.

Section 3. The statement herein required to be made by the manufacturer, distributor or seller shall be sworn to before some officer authorized to administer oath, and any false or fraudulent statement sworn to therein shall constitute perjury, and any person found guilty thereof shall be punished as is provided by Section 5161 of the Code of Alabama.

Section 4. That all manufacturers, distributors and dealers in kerosene in such County shall keep, for not less than one year, with-

in such County such books, documents or papers as will clearly show the number of gallons of kerosene distributed or sold as is covered by this act.

Section 5. If any manufacturer, distributor or dealer in kerosene, as is covered by the provisions of this Act, shall fail to make the report, or any of them, as above provided, then such manufacturer, distributor or dealer shall be guilty of a misdemeanor and upon the conviction thereof shall be fined not less than Fifty Dollars nor more than Two Hundred Dollars for each offense.

Section 6. That the County Commissioners, Board of Revenue, Board of Revenue and Road Commissioners, or any board exercising such authority in said County by whatsoever name, is hereby authorized and empowered to appoint such assistants as is necessary for the proper carrying out of this Act, and for the proper collection of such taxes, and to make such rules and regulations for the purpose of collecting and distributing said excise tax as to it shall deem reasonable and necessary; and out of such funds to pay all expenses, including the salaries of such persons that shall be known as the collectors out of such funds as are derived from said excise tax.

Section 7. The proceeds of the excise tax levied under and by virtue of this Act, shall, when collected, be turned over to the County Treasurer or County Depository of such County for the credit of the Road and Bridge Fund, and same shall be used for the purpose of constructing, maintaining and repairing public roads and bridges in such County.

Section 8. The acceptance of any money on account of which is less than the full excise tax provided for in this Act shall in no way preclude collection of the money actually due, provided, however, that the money actually paid shall constitute a credit against the amount actually due.

Section 9. If the manufacturer, distributor or dealer in kerosene as covered by this Act, shall fail to make the monthly returns prescribed herein, then the Governing Body of such County shall make a return for such delinquent upon such information as it may reasonably obtain, assess the excise tax thereon and add a penalty for failure to make such return of twenty-five percent of the tax due to the amount asssessed.

Section 10. Should any section of this Act, or any part of this Act be declared unconstitutional, it shall not invalidate the remaining sections thereof.

Section 11. This Act shall go into effect immediately upon its passage and approval.

Approved July 20, 1931.

No. 518) (H. 1102—Sossaman.

AN ACT

To authorize all Counties in this State having a population of not less than 100,000 inhabitants and not more than 150,000 inhabitants, and all cities in this State having a population of not less than 67,500 inhabitants and not more than 150,000 inhabitants, according to the last or any subsequent Federal census, to exempt from county and municipal taxation and to remit any or all taxes which are or may be assessed by such cities and counties for municipal and county purposes against manufacturing enterprises and manufacturing establishments of any kind, shipbuilding plants, fertilizer plants and factories and plants constructed or extended or operated for the purpose of manufacturing any kind of manufactured products now or hereafter located in such cities or counties, such remission from such taxes to be for periods of not longer than 15 years from the date of the incorporation or organization of such factory or shipbuilding plant or from the date of the completion of any such additions to or extensions thereof. This act shall not effect any taxes assessed for State purposes.

Be it Enacted by the Legislature of Alabama:

Section 1. That for the purpose of encouraging the construction, extension or operation of manufacturing establishments and manufacturing enterprises of all kinds, shipbuilding plants, fertilizer plants and factories and plants for the production of any kind of manufactured products, in Counties of this State having a population of not less than 100,000 inhabitants and not more than 150,000 inhabitants, and cities in this State having a population of not less than 67,500 inhabitants and not more than 150,000 inhabitants, according to the last or any subsequent Federal census, the Court of County Commissioners, or other Court having a like jurisdiction of any such county and the constituted authorities of any such city in which it is proposed to locate or add to or extend any such factories or plants, are authorized and empowered to exempt from county and municipal taxation and to remit any or all taxes which are or may be assessed for county and municipal purposes or such factories and shipbuilding plants and on all extensions or additions to any such factories or shipbuilding plants as are already built and operated and on all buildings, works, machinery and other equipment of such factories or plants or additions thereto or extensions thereof, and on the lands on which such buildings, plants and factories or additions to or extensions thereof are located, and also on all the capital stock of such factories and shipbuilding plants or increase of such capital stock made for the purpose of making additions thereto or extensions thereof, from any or all such taxes assessed for county or municipal purposes for a period not exceeding 15 years from the date of the incorporation or organization of such factories, or shipbuilding plants, or from the date of the completion of any such additions to or extensions thereof.

Section 2. This act does not exempt such factories or shipbuilding plants from any taxes now assessed or which may be assessed for State purposes.

Section 3. In order to obtain the benefits of the exemptions provided herein from such county and such city taxation the person, firm or corporation owning or controlling such factory or shipbuilding plant must make application in writing to the Court of County Commissioners or Court of like jurisdiction of the county or to the constituted authorities of the city in which it is proposed to locate the same, giving, (if a corporation,) the location thereof, the date of incorporation or organization of the corporation making the application, (if a person,) the name of the person owning or controlling the same, (if it be a co-partnership,) the names of the partners composing the firm, owning or controlling the same, and praying for an order to be made by them granting such person, firm or corporation the exemption provided in Section 1 hereof, which application, after granted, shall be entered on the records of their Court and an order made allowing such exemption, and designating the time when such exemption shall expire; but all such property must be returned to the State for taxation, unless otherwise exempted therefrom.

Section 4. If at any time the operation of such manufacturing enterprise, factory or plant shall cease for a period of six months at any one time; then and in that event, any exemption so granted shall immediately cease, and be of no further effects; provided however, that should operation be resumed, the Governing body of such city or county may in their discretion grant a new period of exemption. The total exemption period shall not exceed 15 years.

Section 5. It is the intention of this Legislature in passing this act, to permit counties and cities coming within the provisions of said act to exempt for a period of 15 years all such factories and shipbuilding plants, et cetera, covered by this act from any or all taxes for county or municipal uses which would not be contrary to the Constitution of the State of Alabama. Therefore, in the event it shall be held by any Court of competent jurisdiction to be unconstitutional to exempt from any particular tax or taxes, this shall not effect the exemption from other taxes permitted to be exempted under this act.

Section 6. If any section, clause, provision or sentence of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision or sentences of this act which is not in and of itself unconstitutional.

Section 7. This act shall take effect from and after the date of its passage and approval by the Governor.

Approved July 20, 1931.

No. 519) (H. 1103—Sanderson.

AN ACT

To amend Section 522 of the Alabama School Code adopted by an Act of the Legislature of Alabama approved August 27th, 1927.

Be it Enacted by the Legislature of Alabama:

That Section 522 of the Alabama School Code, adopted by an Act of the Legislature of Alabama, approved August 27th, 1927, be and the same is hereby amended so as to read as follows: 522. Corporate Powers of Institute.—Such corporation shall have all the rights, privileges, and franchises necessary to a promotion of the end of its creation, and shall be charged with all corresponding duties, liabilities and responsibilities. Such corporation may hold, and may lease, sell, or in any other manner not inconsistent with the object or terms of the grant or grants under which it holds, dispose of any property, real or personal, or any estate or interest therein, remaining of the original or any subsequent grant by Congress, or by this State, or by any person, or accruing to the Corporation from any source, as to it may seem best for the purposes of its institution.

Approved July 18, 1931.

No. 520) (H. 1105—Sanderson.

AN ACT

To amend paragraph or subsection F of Section 18 of an Act "In Reference to and to Further Provide for the General Revenue of the State of Alabama." Approved July 22, 1927.

Be it Enacted by the Legislature of Alabama:

That paragraph or subsection F of Section 18 of an Act "In Reference to and to Further Provide for the General Revenue of the State of Alabama," approved July 22, 1927, be and the same is hereby amended so as to read as follows: Subsection or paragraph (F)—The Tax Assessors and Collectors of the several counties in this State, in addition to assessing and collecting the ad valorem taxes due the State and counties on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in this State. The Tax Collectors shall report and pay over the money connected for said cities at the same time and in the same manner as State and County taxes are reported and paid over by him. Said Assessors and collectors shall each receive a commission of Two and One-half per cent of the amount of city taxes collected; and the tax collectors shall deduct said commission from the amount collected

before paying into the City Treasury, and at the time pay over to the Tax Assessor commissions due him under this Act. Provided that nothing in this Act shall change the rate of commissions now charged by the Tax Assessors and Tax Collectors in cities where the County Tax Assessor and County Tax Collector are required by local law to assess and collect all ad valorem taxes for such cities. Provided that the Tax Assessors and Collectors of all counties which now have not less than seventy-five thousand inhabitants or over one hundred ten thousand inhabitants, according to the last Federal Census or any such census hereafter taken, shall each receive a commission of 5% of the amount of city taxes collected, which shall be in addition to any salary now received by them. The Judge of Probate shall not issue a license to operate a motor vehicle on the highways of the State until all ad valorem taxes due the said State, counties and cities are paid for the preceding year as shown by a receipt of the tax collector. That schedule 7 of Section 361, Acts 1919, Page 282 be and the same is hereby repealed. That Section 19 of the Acts approved September 14, 1923, Acts 1923, Page 284, be and the same is hereby repealed.

Approved July 18, 1931.

No. 521) (H. 1111—McElderry.

AN ACT

Relating to Commission form of Government for certain Cities having a population of not less than Seventy-five Hundred people and not more than Eighty-five Hundred people according to the last Federal census, or in any such census which may hereafter be taken, and, providing a penalty for failure of the Commission to publish a semiannual statement of the receipts and disbursements of said Cities.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the Board of Commissioners of every City in the State of Alabama, having a commission form of Government which now has a population of not less than Seventy-five Hundred people nor more than Eighty-five Hundred people according to the last Federal census or in any such census which may hereafter be taken to make a semi-annual publication on the First day of September and March of each year, in a Newspaper published in said City, of an itemized report, showing the receipts and expenditures of money for the city, specifying particularly the sources from which received, and the purposes for which expended. Said publication must also show the entire indebtedness of the City of whatever kind, and character, and specifying particularly the amount of bonds outstanding, their character and when due; the amount of the outstanding warrants, accounts and notes,

whether interest bearing or not, and if interest bearing the rate of interest, for what said warrants, accounts or notes were issued and when due and payable.

Section 2. That the said publication shall also show the entire outstanding accounts, warrants, notes, taxes and licenses due the said City, and when same are due and payable.

Section 3. That if the said Commissioners shall fail to make said publications as required by this act, each member composing said Commission who votes against said publication is hereby made subject to a penalty of Two Hundred dollars ($200.00) to be collected by suit and it is made the duty of the Circuit or County Solicitor to bring said suit and prosecute same in the name of the City as plaintiff, providing that the compensation to be paid for the publication herein provided for, shall not exceed one hundred dollars.

Section 4. It is hereby made the duty of the circuit or County Solicitor to inforce the provisions of this act.

Section 5. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved July 18, 1931.

No. 523) (H. 1141—Taylor

AN ACT

To authorize and empower the Board of County Commissioners, Board of Revenue and Road Commissioners, or like body, in all Counties of the State of Alabama having a population of not less than 105,000 nor more than 300,000 or which may hereafter have such population, according to the last or any subsequent Federal Census to pay to any employee or employees of said Counties who have been or who may hereafter be injured while engaged in the performance of their duties, in the line and scope of their employment for such Counties, damages.

Be it Enacted by the Legislature of Alabama:

Section 1. The Board of County Commissioners, Board of Revenue and Road Commissioners, or like body, in all Counties of the State of Alabama having a population of not less than 105,000 nor more than 300,000 or which may hereafter have such population, according to the last or any subsequent Federal Census are hereby authorized and empowered to pay to any employee or employees who have been or who may hereafter be injured while engaged in the performance of their duties, in the line and scope of their employment for such Counties, after having proof on which to determine the extent of such injury, such reasonable sum as may be decided on by such bodies, as damages to the said injured employee or employees.

Section 2. All laws and parts of laws either general, local or special in conflict herewith are hereby repealed.

Approved July 22, 1931.

No. 525) (H. 335—Miller

AN ACT

Requiring every public service corporation engaged in transportation doing business in this State and employing public labor to pay employees every two weeks, or twice each calendar month, and to provide for a penalty for a violation thereof:

Be it Enacted by the Legislature of Alabama:

Section 1. That every public service corporation engaged in transportation doing business in this State, employing as many as fifty or more employees shall be required to make full payment to employees for services performed as often as once every two weeks, or twice during each calendar month, and such payment or settlement shall include all amounts due for labor or services performed up to not less than fifteen days previous to the time of payment.

Section 2. That any Public Service Corporation engaged in transportation who violates this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25.00 nor more than $250.00 for each offense, and each day's violation against each employee shall constitute a separate offense.

Section 3. Provided that the provisions of this Act shall not become effective until January 1, 1933.

Approved July 22, 1931.

No. 527) (H. 652—Morrow.

AN ACT

To fix the qualifications of Solicitors or Deputy Solicitors in Inferior Courts exercising criminal jurisdiction in counties in this State having a populaton of 300,000 or more according to the last or any subsequent Federal Census.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census that Solicitors or Deputy Solicitors for Inferior Courts exercising criminal jurisdiction shall be learned in the law, a resident citizen of such county and at least twenty-five years of age and that no person shall be eligible for appointment as Solicitor

or Deputy Solicitor for such Inferior Courts unless he possesses the qualifications herein prescribed.

Section 2. Any person who is learned in the law, a resident citizen of such County and at least twenty-five years of age is eligible for appointment as Solicitor or Deputy Solicitor in any Inferior Court in such County.

Approved July 22, 1931.

No. 528) (S. 396—Riddle

AN ACT

Appropriating the sum of $27,000 to the Board of Trustees for the Alabama Institute for Deaf and Blind to liquidate indebtedness incurred in the purchase and equipping of a farm heretofore purchased for the Alabama Institute for Deaf and Blind.

Be it Enacted by the Legislature of Alabama:

There is hereby appropriated out of the Treasury of the State to the Board of Trustees of the Alabama Institute for Deaf and Blind the sum of twenty-seven thousand ($27,000.00) dollars, to be paid in four annual installments of six thousand seven hundred and fifty ($6,750.00) dollars each and used in liquidating that indebtedness incurred in the purchase and equipping of a farm for the Alabama Institute for Deaf and Blind, such payments of six thousand seven hundred and fifty ($6,750.00) dollars to be made on the requisition of the Treasurer of the said Alabama Institute for Deaf and Blind not later than the thirtieth day of January, 1932, 1933, 1934, 1935, and by him paid out as all other monies are paid.

Approved July 22, 1931.

No. 530) (S. 561—Mr. Hooten.

AN ACT

To transfer the jurisdiction of the juvenile courts in all counties of thirty-five thousand population or less according to the last or any subsequent Federal Census to county inferior courts that are now or have been or may hereafter be established in any such counties.

Be it Enacted by the Legislature of Alabama:

Section 1. That the jurisdiction of juvenile courts in all counties of this state having a population of thirty-five thousand or less according to the last or any subsequent Federal Census be and the same is hereby transferred to and vested in county inferior courts,

and the judges thereof, which now are, have been, or may hereafter be, established in any such counties.

Section 2. All such county inferior courts shall have exclusive jurisdiction under this Act, and no other court in such counties shall have jurisdiction in such matter.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect immediately upon its approval by the Governor.

Approved July 22, 1931.

No. 533) (H. 170—Allen

AN ACT

To repeal Section 7206 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 7206 of the Code of Alabama be, and is hereby repealed.

Approved July 22, 1931.

Passed over Governor's Veto) (H. 932—Swift

AN ACT

For the relief of W. E. Bray and to appropriate for the said W. E. Bray the sum of $97.50 for damages sustained by him as result of a collision with a wagon operated by a convict at Moffatt State Farm.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any funds in the State treasury not otherwise appropriated the sum of $97.50 for the relief of W. E. Bray, to reimburse him for damages sustained in a collision with a wagon operated by a convict from Moffatt State Farm.

Section 2. That promptly after the passage and approval of this Act the State Auditor shall issue his warrant upon the state treasury in favor of the said W. E. Bray, for the said sum of $97.50.

Passed over Governor's veto July 25, 1931.

No. 535) (H. 956—Sanderson.

AN ACT

For the relief of the Life and Casualty Insurance Company of Tennessee, Nashville, Tennessee, and for the appropriation to it of Five Thousand Eight Hundred Ninety-two Dollars ($5,892.44) and Forty-four cents, excess taxes collected from it by the Insurance Department.

Be it Enacted by the Legislature of Alabama:

Section 1. That there be and is hereby appropriated out of any funds in the treasury of the State of Alabama not otherwise appropriated, the sum of Five Thousand Eight Hundred Ninety-two Dollars ($5,892.44) and Forty-four cents, a refund to the Life & Casualty Insurance Company of Tennessee, Nashville, Tennessee, being the amount of an excess tax illegally demanded and collected from said Life and Casualty Insurance Company of Tennessee by the Insurance Department of the State of Alabama, over and above the amounts required by law to be paid by said Company.

Section 2. BE IT FURTHER ENACTED that said sum be paid to said Life and Casualty Insurance Company of Tennessee, Nashville, Tennessee, by a proper warrant drawn upon the Treasurer of the State, which warrant may be used by said Life and Casualty Insurance Company of Tennessee at its face value in payment of any tax due by it, or its successor, to the State, at the present time or in the future.

Approved July 22, 1931.

No. 536) (H. 1104—Sanderson

AN ACT

To Amend Section 6777 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

That Section 6777 of the Code of Alabama be amended so as to read as follows: Section 6777: What amount may be borrowed. Any amount borrowed under authority of the preceding section shall not be for a sum greater than one half of the income of said county for the preceding year.

Approved July 22, 1931.

No. 537) (H. 702—Sanderson

AN ACT

For the relief of Dixie Fire Insurance Company of Greensboro, North Carolina, and for the appropriation to it of Nine Hundred Eighty-Four Dollars ($984.10) and Ten Cents, excess taxes collected from it by the Insurance Department.

Be it Enacted by the Legislature of Alabama:

Section 1. That there be and is hereby appropriated out of any funds in the treasury of the State of Alabama not otherwise appropriated, the sum of Nine Hundred Eighty-Four Dollars ($984.10) and Ten Cents, as a refund to Dixie Fire Insurance Company of Greensboro, North Carolina, being the amount of an excess tax illegally demanded and collected from said Dixie Fire Insurance Company by the Insurance Department of the State of Alabama, over and above the amounts required by law to be paid by said Company.

Section 2. BE IT FURTHER ENACTED that said sum be paid to said Dixie Fire Insurance Company of Greensboro, North Carolina, by a proper warrant drawn upon the Treasurer of the State, which warrant may be used by said Dixie Fire Insurance Company at its face value in payment of any tax due by it, or its successor, to the State, at the present time or in the future.

Approved July 22, 1931.

No. 538) (H. 836—Goodwyn

AN ACT

For the relief of Jefferson Standard Life Insurance Company of Greensboro, North Carolina, and for the appropriation to it of Six Thousand Seven Hundred and Ninety Dollars ($6790.20) and Twenty Cents, excess taxes collected from it by the Insurance Department.

Be it Enacted by the Legislature of Alabama:

Section 1. That there be and is hereby appropriated out of any funds in the treasury of the State of Alabama not otherwise appropriated, the sum of Six Thousand Seven Hundred and Ninety Dollars ($6790.20) and Twenty Cents, as a refund to Jefferson Standard Life Insurance Company of Greensboro, North Carolina, being the amount of an excess tax illegally demanded and collected from said Jefferson Standard Life Insurance Company of Greensboro, North Carolina, by the Insurance Department of the State of Alabama, over and above the amounts required by law to be paid by said Company.

Section 2. BE IT FURTHER ENACTED that said sum be paid to said Jefferson Standard Life Insurance Company of Greens-

boro, North Carolina, by two proper warrants for Three Thousand Three Hundred and Ninety-Five ($3,395.10) and Ten Cents drawn upon the Treasurer of the State, which warrants may be used by said Jefferson Standard Life Insurance Company at face value in payment of any tax due by it, or its successor, to the State, at the present time or in the future.

Approved July 22, 1931.

No. 540) (S. 476—Jordan

AN ACT

To propose and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday in May, in the year 1932, an amendment to the Constitution of the State of Alabama, increasing the amount of taxes which may be levied by the respective governing bodies of the following municipal corporations in said State, viz: The cities of Eufaula, Decatur, Bridgeport, Attalla and Altoona the towns of Red Bay and Parish and the City of Talladega.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of the State of Alabama, is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment, and the day appointed for such election is the first Tuesday in May, in the year 1932. The amendment proposed is as follows: (a) That the municipalities of the Cities of Eufaula and Talladega, through their respective governing bodies, in addition to the taxes which they are by any other provision of the Constitution, or any amendment thereto otherwise authorized to levy and collect, may each levy and collect from and after the adoption of this amendment, an additional tax of not exceeding one-half of one per centum per annum to be devoted to such purposes as may be designated by the governing body of the municipality, but before any such additional tax can be levied, it must be voted by a majority of the qualified electors of the municipality, voting upon such proposition at an election called by the governing body of said municipality for such purpose; provided, that the total taxes levied for all purposes by said cities of Eufaula and Talladega shall not exceed one and one-half per centum in any one year on the property situated therein, based on the valuation of such property as assessed for state taxation. (b) That the municipality of the City of Decatur, through its governing body, in addition to the taxes which it is, by any other provision of the Constitution of the State of Alabama, or any amendment thereto, otherwise authorized to levy and collect, may from and after the adoption of this amendment, levy and collect an additional tax of not exceeding one-half

of one per centum per annum on the property situated therein, based on the valuation of such property as assessed for state taxation; provided further, that a majority of the qualified electors of said municipality voting upon such proposition at an election called by said municipality for that purpose may vote an additional tax not to exceed three-tenths of one per centum in any one year for any special purpose or purposes, which tax shall be levied, collected and used exclusively for the purpose or purposes for which the same is voted; provided that the total tax levied for all purposes by said municipality shall not exceed one and one-half per centum during any one year on the property situated therein, based on the valuation of such property as assessed for state taxation. (c) That the municipality of the City of Bridgeport, through its governing body, in addition to the taxes which it is by any other provision of the Constitution, or any amendment thereto, authorized to levy and collect, may without an election therefor, levy and collect from and after the date of the adoption of this amendment an additional tax of not exceeding one per centum per annum, based on the value of property situated therein as assessed for state taxation during the preceding year, to be used exclusively for the purpose of paying its bonded indebtedness and the interest thereon, evidenced by its bonds and interest coupons outstanding at the time of the adoption of this amendment, or refunding bonds with the interest thereon hereafter issued for the purpose of refunding any bonded indebtedness of the said city existing at the time of the adoption of this amendment; provided, however, that when and after all of said bonded indebtedness of the said city existing at the time of the adoption of this amendment, and whether evidenced by its bonds and interest coupons outstanding at the time of the adoption of this amendment or by refunding bonds hereafter issued for the purpose of refunding said bonded indebtedness or any part thereof, shall have been paid in full, the said additional tax herein authorized may be levied and collected in such amounts and may be devoted to such purposes as may be designated by its governing body and voted for by a majority of the qualified electors of said municipality voting upon said proposition at an election called by the governing body of said municipality for such purpose; provided, however, that the total taxes levied by said municipality for all purposes shall not exceed one and one-half per centum in any one year on property situated therein, based on the valuation of said property as assessed for state taxation. (d) That the municipalities of Attalla and Altoona, through their respective governing bodies, in addition to the taxes which each of such municipalities is, by any other provision of the Constitution or any amendment thereto, otherwise authorized to levy and collect, may levy and collect from and after the date of the adoption of this amendment an additional tax of not exceeding one per centum per annum, in such amounts and to be

devoted to such purposes as may be designated by their respective governing bodies and voted for by a majority of the qualified electors of such municipality voting upon such proposition at an election called by the governing body of such municipality for such purpose; provided that the total taxes levied for all purposes shall not exceed one and one-half per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation. (d-1) That the municipalities of the towns of Red Bay and Parish, through their respective governing bodies, in addition to the taxes which they are by any other provision of the Constitution, or any amendment thereto otherwise authorized to levy and collect, may each levy and collect from and after the adoption of this amendment, an additional tax of not exceeding one-half of one per centum per annum to be devoted to such purposes as may be designated by the governing body of the municipality, but before any such additional tax can be levied, it must be voted by a majority of the qualified electors of the municipality, voting upon such proposition at an election called by the governing body of said municipality for such purpose; provided, that the total taxes levied for all purposes by said towns of Red Bay and Parish shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for state taxation. (e) That the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the right, power or authority of any municipality to levy and collect any and all taxes, whether general or special, which it is now authorized to levy and collect under the Constitution of the State of Alabama, or under any amendment thereto. (f) Each election held under the provisions of this amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the Law applicable to the municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such elections shall contain the words: "For authorization of additional taxation at a rate not to exceed_____ per cent for the year (or years)_____, for the purpose or purposes of_____," and, "Against authorization of additional taxation at rate not to exceed_____per cent for the year (or years)_____, for the purpose or purposes of _____." The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor, and the year or years in which the proposed rate is to apply, and the purpose or purposes for which such tax is to be used, shall be likewise printed in the respective spaces therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or affect the rights of

any holder of bonds of said municipal corporations heretofore issued. Elections in each of said municipalities to authorize the levy of such special tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the electors of either of said municipalities for authorization to levy a special tax for a specific purpose and such proposition is defeated, no second election for the same purpose shall be held in such municipality within one year thereafter. This amendment shall be self executing and no Legislative Act shall be necessary to put said amendment or any part thereof in force and effect.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor, which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Passed the Senate June 25, 1931.

Passed the House of Representatives July 9, 1931.

No. 544) (H. 192—Mize

AN ACT

To amend Section 1353 and Section 1354 Code of Alabama, 1923, as amended by Section 163 and Section 164, respectively, of an Act entitled "An Act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc.; on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts

and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved July 22, 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1353 and Section 1354, Code of Alabama, 1923, as amended by Section 163 and Section 164 An Act entitled "An Act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved July 22, 1927, be and the same are hereby amended so as to read as follows: 1353 (5777) Persons Liable to Road Duty.—All persons are liable to work on the public roads, except those exempt by the succeeding section. Three days notice in writing shall be given to the person liable for road duty by the court of county commissioners, County Board of Revenue or other like governing body, and the notice shall state the date, time and place of meeting where such person shall report for duty and shall be served upon such person or left at his residence by the overseer or some authorized person, which shall constitute a legal notice. 1354 (5778). Persons exempt from Road Duty. The following persons are exempt from working on the public roads.—All women; all men under twenty-one and over the age of forty-five years; all persons who have lost an arm or leg; all persons who, by nature, accident, disease or the like are rendered incapable of hard labor, who

shall procure a certificate of such incapacity from the County Health Officer or County Board of Health, or if there be no such officer or board, then such a certificate from two reputable practicing physicians; all state officers and state employees; all officers and enlisted men in the Alabama National Guard on production of certificates to that effect from his commanding officer or the Adjutant General of Alabama; all officers and employes of hospitals in Alabama; all duly and regularly enrolled students in educational institutions and all teachers thereat who shall procure a certificate from the officer in charge of such institution to that effect.

Section 2. This Act shall not be construed to repeal any other and additional exemptions from working the public roads, now granted by law.

Approved July 23, 1931.

No. 545) (H. 208—Robinson

AN ACT

To repeal an Act of the Legislature "To Authorize and require the Board of Revenue, or other governing body, or counties having a population of more than two hundred thousand (200,000) according to the last or any subsequent census, to draw its warrant in favor of the Tax Assessor and the Tax Collector each, of such county or counties, for the payment of ex officio services rendered by such officers same to be drawn in equal monthly installments, and paid in the same manner warrant for salaries paid to county officers are now paid," approved September 2, 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Act of the Legislature "To Authorize and require the Board of Revenue, or other governing body, of counties having a population of more than two hundred thousand (200,000) according to the last or any subsequent census, to draw its warrant in favor of the Tax Assessor and the Tax Collector each, of such county or counties, for the payment of ex officio services rendered by such officers same to be drawn in equal monthly installments, and paid in the same manner warrants for salaries paid to county officers are now paid," approved September 2, 1927, be and the same is hereby repealed.

Section 2. That this Act shall become effective on the first day of October 1935.

Approved July 23, 1931.

No. 546) (H. 244—Patterson.

AN ACT

To amend Section 6827 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

First: That Section 6827 of the Code of Alabama of 1923 be and the same is hereby amended so as to read as follows: 6827. "Exception In Favor Of Purchaser And Employers—One who sells the good will of a business may agree with the buyer, and one who hires as an agent, servant, or employee may agree with his employer, to refrain from carrying on or engaging in a similar business and from soliciting old customers of such employer within a specified county, city, or part thereof, so long as the buyer or any person deriving title to the good will from him, and so long as such employer carries on a like business therein."

Second: All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved July 23, 1931.

No. 548) (H. 376—Rish.

AN ACT

To divide the State of Alabama into judicial Circuits for the circuit court, to be numbered and composed of the counties herein named:

Be it Enacted by the Legislature of Alabama:

Section 1. That the State of Alabama is hereby divided into judicial circuits for the circuit courts which circuits are numbered and composed of the counties as follows: First circuit—Choctaw, Clarke and Washington. Second circuit—Butler, Crenshaw and Lowndes. Third circuit—Barbour, Bullock, Dale and Russell. Fourth circuit—Bibb, Dallas, Hale, Perry and Wilcox. Fifth circuit—Chambers, Lee, Macon, Randolph and Tallopoosa. Sixth circuit—Tuscaloosa. Seventh circuit—Calhoun, Cleburne, and Talladega. Eighth circuit—Cullman, Lawrence, Limestone and Morgan. Ninth circuit—Cherokee, DeKalb, Jackson and Marshall. Tenth circuit—Jefferson. Eleventh circuit—Colbert, Franklin and Lauderdale. Twelfth circuit—Coffee and Pike. Thirteenth circuit—Mobile. Fourteenth circuit—Fayette, Lamar, Marion, Walker and Winston. Fifteenth circuit—Montgomery. Sixteenth circuit—Blount, Etowah and St Clair. Seventeenth circuit—Marengo, Green, Pickens and Sumpter. Eighteenth circuit—Clay, Coosa and Shelby. Nineteenth circuit—Autauga, Chilton and Elmore. Twentieth circuit—Henry and Houston. Twenty-first circuit—Baldwin, Conecuh, Escambia and

Monroe. Twenty-second circuit—Covington and Geneva. Twenty-third circuit—Madison.

Section 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. That if any clause, sentence or provision of this act shall be found, by any court of competent jurisdiction, to be unconstitutional, or for any reason invalid, the remainder of said act shall remain in full force and effect.

Section 4. That this act shall take effect on the first day of January, 1932.

Approved July 23, 1931.

No. 550) (H. 387—Spencer.

AN ACT

To amend certain sections of Article 5 of Chapter 144 of the Code of Alabama relating to "Frauds, relating to or concerning checks, drafts, etc." and to provide penalties for the violation of said sections.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 4158 of the Code of Alabama of 1923 be, and it hereby is amended to read as follows: Section 4158. Giving check or draft when funds insufficient to cover.—Any person who, with intent to defraud, shall make or utter a check or draft upon any bank, knowing at the time that he has no funds or insufficient funds in such bank with which to pay the same, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than one thousand dollars to be paid in money only and may also be sentenced to hard labor for the county for not longer than six months, and in addition thereto the court, justice, or jury trying the issue, unless the property has been returned or the value thereof paid to the owner, must assess the value of each article, and such assessed value shall be made an item of costs in the case, and shall be paid in like manner as the other costs taxed against the defendant, and the clerk of the court shall issue a certificate to the owner of the property for the value of such property as assessed by the court or jury. The amount of such assessed value must not be included in any bill of costs paid by the state, or for which a defendant is sentenced to hard labor.

Section 2. That Section 4159 of the Code of Alabama of 1923 be, and it hereby is amended to read as follows: Section 4159. Obtaining money, other property or credit by check, draft, or order which is not paid.—Any person, acting by himself or another, who, with intent to defraud, shall obtain any money, merchandise, property or thing of value, though no express representation is made in

reference thereto, or who, with such intent, shall make, draw, utter or deliver any check, draft or order for the payment of money, upon any bank, depository, person, firm, or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has not sufficient funds in, or credit with such bank, depository, person, firm or corporation for the payment in full of such check, draft or order, upon its due presentation, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars to be paid in money only and may also be sentenced to hard labor for the county for not longer than six months, and in addition thereto the court, justice, or jury trying the issue, unless the property has been returned or the value thereof paid to the owner, must assess the value of each article, and such assessed value shall be made an item of costs in the case, and shall be paid in like manner as the other costs taxed against the defendant, and the clerk of the court shall issue a certificate to the owner of the property for the value of such property as assessed by the court or jury. The amount of such assessed value must not be included in any bill of costs paid by the state, or for which a defendant is sentenced to hard labor.

Approved July 23, 1931.

No. 551) (H. 473—Morrow.

AN ACT

To amend Section 5742 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

1. That Section 5742 of the Code of Alabama of 1923 be, and the same is hereby amended to read as follows: 5742 (2520) (56) (2014) (2350) (1986) (1668) Order of Grant of Administration.—Administration of an intestate's estate must be granted to some one of the persons herein named, if willing to accept, and fit to serve, in the following order: 1. The husband or widow. 2. The next of kin entitled to share in the distribution of the estate. 3. The largest creditor of the estate residing within this State. 4. The county or general administrator. 5. Such other person as the judge of probate may appoint. "A. Provided however that in all counties of the state of Alabama having a population of 300,000 or more according to the last or any subsequent Federal Census, administration of an intestate's estate must be granted to some one of the persons herein named, if willing to accept, and fit to serve, in the following order: 1. The husband or widow. 2. The next of kin entitled to share in the distribution of the estate. 3. The largest creditor of the estate residing within this State. 4. The county or general administrator. 5. Such other person as the judge of probate may appoint.

Approved July 23, 1931.

No. 552) (H. 568—Bradford of Jefferson

AN ACT

To repeal Sections 6240, 6241, 6242, 6244, 6247, 6249 and 6259 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Sections 6240, 6241, 6242, 6244, 6247, 6249 and 6259 of the Code of Alabama of 1923 be and the same are each hereby repealed.

Approved July 23, 1931.

No. 553) (H. 683—Rish.

AN ACT

To amend Section 2126 of the 1923 Code of Alabama, authorizing City Council or municipalities to submit assessment roll to Board of Revenue or Court of County Commissioners.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 2126 of the 1923 Code of Alabama be and the same is hereby amended to read as follows: That in cities over fifteen thousand inhabitants, if the council shall assess taxes upon property liable under the constitution and laws of this State, for city taxes, and furnish to the board of revenue or court of county Commissioners or board of like jurisdiction, an assessment roll showing property and assessed value thereof prior to April first of each year, then the court of county commissioners, or board of revenue, or court of like jurisdiction shall take such assessment and may adopt the same.

Section 2. That this act shall take effect upon its approval by the Governor.

Approved July 23, 1931.

No. 554) (H. 873—Lee of Coffee

AN ACT

To provide for the relief of J. Dudley Heath, Tax Collector in and for Coffee County, Alabama, from the payment of certain tax money belonging to the State of Alabama and Coffee County, Alabama, and lost by him on account of the failure of the Elba Bank & Trust Company, Elba, Alabama, and the Bank of New Brocton, New Brocton, Alabama.

WHEREAS on the 14 day of March, 1929, the Elba Bank & Trust Company failed and WHEREAS on the 26th day of December, 1930, the Bank of New Brocton failed, both of said banks being now in the process of

liquidation, and, WHEREAS at the time of the failure of said banks, the said J. Dudley Heath as tax collector of Coffee County had collected and deposited in said banks certain tax money belonging to the State of Alabama as follows:

General Tax	$250.54
Special Soldier Tax	100.21
Special School Tax	300.65,

and WHEREAS at the time of failure of said banks, said J. Dudley Heath had collected and deposited in said banks certain tax money belonging to Coffee County, Alabama, as follows:

General Tax	$501.07
Special school tax	400.84
Road & Bridge fund tax	250.54
Special three-mill district tax	
For Coffee County, Ala.	
District #3	4.15
" #4	27.89
" #8	2.61
" #9	17.10
" 11	19.14
" 22	22.87
" 21	.60
" 25	8.98
" 26	39.42
" 28	6.00
" 43	5.40
" 48	6.00
" 52	4.80
" 54	.75
" 64	4.50
" 74	6.59
" 75	11.86

and WHEREAS, due to the failure of said banks and without fault of the said J. Dudley Heath, said tax money was lost, therefore:

Be it Enacted by the Legislature of Alabama:

Section 1. That the said J. Dudley Heath as Tax Collector aforesaid be and he is hereby relieved of the payment of said tax money to the County Treasurer of Coffee County, Alabama, and the said County Treasurer is hereby authorized to release and discharge the said J. Dudley Heath from all liability to Coffee County, Alabama, for the payment of said tax money. Provided however, that the said J. Dudley Heath shall collect the dividends paid by said banks on said deposits and shall account to the County Treasurer of Coffee County, Alabama, therefor, according to the respective interest of the County of Coffee in said deposits.

Approved July 23, 1931.

No. 556) (H. 885—Goodwyn.

AN ACT

To Amend Section 8054 Of The Code Of Alabama.

Section One: *Be It Enacted by the Legislature of Alabama* that Section 8054 of the Code of Alabama be and the same is hereby amended so as to read as follows: Bond required when garnishment issued pending suit. When the garnishment is in aid of a pending suit, the plaintiff, his agent or attorney, must also give bond in double the amount claimed in the suit, with sufficient surety to be approved by the officer issuing the writ; with condition that the plaintiff will prosecute the garnishment to effect, and pay the defendent all such damages as he may sustain from the wrongful or vexatious suing out of such garnishment; and such bond, as to suit thereon, is subject to the provisions of this Code relating to suits on attachment bonds. Provided however, the Superintendent of Banks of the State of Alabama shall not be required to give bond when garnishment is issued in aid of a pending suit, which suit is based on a promissory note owned by a bank in the process of liquidation. Such Superintendent of Banks or the liquidating agent of such bank in liquidation shall however, be liable on their official bonds for damages sustained from the wrongful or vexatious suing out of a writ of garnishment. The Superintendent of Banks shall, however, be required to obtain an order from the Circuit Court of the County in which such bank in liquidation is located, exempting the Superintendent of Banks from giving such bonds. The order need not specify the particular case or cases, but may be general and exempt the Superintendent of Banks from giving bond in all cases to be brought by him on promissory notes owned by the bank in liquidation, wherein garnishments are to issue in aid of the pending suits.

Approved July 23, 1931.

No. 557) (H. 903—Lee of Coffee.

AN ACT

To Amend Section 3278 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

That Section 3278 of the Code of Alabama, 1923, be and the same is hereby amended to read as follows: 3278. Writ of Arrest Issued by the Clerk, Solicitor or Judge. A writ of arrest must be issued by the clerk forthwith after the finding of the indictment against each defendant who is not in actual custody, or who has not

been bailed, or whose undertaking of bail has been declared forfeited, or when an order is made by the judge presiding when the indictment is returned by the Grand Jury, commanding that writ of arrest issue; or it may be issued without order of court, either in term time or in vacation, by the solicitor of the circuit, or by any circuit judge. But if the defendant is in actual custody, he shall be held by virtue of the indictment, and no writ of arrest need be issued unless it is so ordered by the judge presiding when the indictment is found.

Approved July 23, 1931.

No. 558) (H. 1070—Morrow.

AN ACT

To regulate the occupation and practice of Cosmetology in all Counties of the State of Alabama now having or which may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census; to establish a Board of Cosmetological Examiners in each of such counties; to define the duties of such Boards, the election of officers, etc. and their duties; provide for the salaries of such Boards and the employees of such Boards, to define what shall constitute the practice of Cosmetology in such counties; to set up qualifications for apprentices or students in such counties and for admission to practice Cosmetology; to provide for issuance of certificates of registration for shops and schools in such counties; to provide requirements of shops and schools teaching Cosmetology in such counties, provide for the refusal or revocation of certificates of registration in such counties, the requirement of renewal of registration and licenses in such counties and penalties for the violation of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. After the approval of this Act it shall be unlawful for any person, firm or corporation for pay or remuneration of any kind whatever to engage in or to follow or to attempt to engage in or follow or to hold himself or herself out as engaging in or following the practice of Cosmetology or as apprentice thereof or to teach the occupation of Cosmetology or to conduct a Cosmetological shop or school by whatever name or designation in any county of the State of Alabama which now has or may hereafter have a population of 400,000 or more according to the last or any subsequent Federal census unless such person shall have first obtained a certificate or permit issued by the Board of Cosmetologists of the County in which such person engages in or follows or attempts to engage in or follow the practice of Cosmetology or teaches the occupation of Cosmetology or conducts such shop or school, as hereafter provided and created and any Cosmetologist or shop where such is practiced or school where such is taught shall at all times be under the direct supervision of a registered Cosmetologist.

Section 2. PRACTICE DEFINED. Any of the following practices when compensation is received therefor shall, for the interpretation of this Act be deemed to constitute the practice of Cosmetology and are divided into groups as follows: (A) Arranging, dressing, curling, waving, cleaning, cutting, singeing, bleaching, coloring or similar work upon the hair of any person by any means; (B) By the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp. (C) Massaging, cleansing, stimulating or the use of cosmetic preparations, antiseptics, lotions or creams or similar work upon the face, neck, arms, bust, or upper parts of the body, (D) With the hands or mechanical or electrical apparatus or appliances, placing permanent curls or waves in the hair; (E) Manicuring the nails, consisting of cleaning, filing, removing of cuticle and buffing, either by hand or by appliances.

Section 3. EXCEPTIONS. Any place or premises or part thereof wherein Cosmetology or any of its practices are followed or taught as set out in subdivisions A to E, inclusive, of Section 2 of this Act, or any person therein or thereabouts who shall practice Cosmetology as above defined in Section 2, whether such place is known or designated as a Cosmetological or beauty shop, establishment or school, shall be subject to the provision and within the meaning of this Act. Provided however, that nothing in this Act shall prevent persons engaged in the practice of medicine, surgery, barbering, or as a barber apprentice, or personel of the United States Army, Navy, or Marine Corps or registered nurses from doing any of the acts or work defined as Cosmetology, nor permit Cosmetology to be practiced in any room or shop used wholly or in part for living or sleeping quarters, but nothing shall prevent any licensed beauty shop from sending a licensed operator to serve a patron who shall desire such service performed in patron's own home.

Section 4. DEFINITION AND QUALIFICATION OF APPRENTICES. Any person who is engaged in learning or acquiring knowledge of any or all practices of Cosmetology, under Subdivisions A to C, inclusive, of Section 2, who has not studied in a regularly licensed school of Cosmetology or legally licensed shop under the immediate supervision of a registered or licensed practitioner or instructor of Cosmetology for a period of six (6) months, shall be known as an apprentice or student of Cosmetology and shall be so registered with said Board of Cosmetology until he or she shall have served the required six (6) months as such and at the expiration of such a period of six (6) months application may be made for examination for a registered Cosmetologist license and certificate; provided however, that no person shall be qualified to receive a certificate or license as an apprentice who is not at least sixteen

years of age, of good moral character, and who has completed a scholastic course equal to the eighth grade of common school and said applicant shall present to said school or shop where study or training is desired by such apprentice or student a certificate by a regular licensed physician of applicant's good health and freedom of all social or communicative diseases.

Section 5. QUALIFICATIONS FOR ADMISSION TO PRACTICE COSMETOLOGY. After said applicant has completed six (6) months of study in said school or shop as provided by this Act, said applicant must obtain a certificate of such study from said school or shop, and shall file with the Secretary of the Board of Cosmetology in the County where said school or shop is conducted or in the County where such applicant desires to practice Cosmetology a written application for an examination in that certain part or branch of Cosmetology that said applicant desires to be examined upon, setting out in said application whether said applicant desires to be examined for license to practice under one or more of subdivisions A, B, C, D, or E, of Section 2, or all of them. Such application shall be accompanied by a health certificate issued by a regularly licensed physician under oath that said applicant is in good health and free from all social or communicative diseases, together with satisfactory proof of the required age of sixteen (16) years, and of good moral character, and shall deposit with the Secretary of said Board a fee of Ten ($10.00) dollars for such examination. After said examination and within fourteen (14) days, said Board shall certify and issue a certificate and license to such applicants who have successfully passed said examination, and who shall be deemed qualified for practice in any or all of the branches of Cosmetology in the judgment of the said Board of Examiners.

Section 6. ISSUANCE OF CERTIFICATE OF REGISTRATION. Any person engaged in the practice of Cosmetology as set out in sub-division A to E, inclusive, of Section 2 of this Act, or in the practice of any one of such divisions and has been so engaged in such practice for six (6) months prior to the time this Act becomes effective and who shall make sworn written application setting out in same under what subdivision or subdivisions he or she has been engaged in the practice, within sixty (60) days after this Act becomes effective, to the Board of Cosmetology in any such County shall be issued a certificate registration without examination for that particular subdivision or practice or all of them which may be applied for, upon payment of one fee of Ten ($10.00) dollars which shall accompany such application. Failure of a person practicing as a Cosmetologist, when this Act becomes effective, to make application for a certificate and license, within the period afore prescribed, shall subject him or her to an additional fee or penalty of Ten ($10.00) dollars but in no case may application be be made for certificate or license to practice Cosmetology or any

branch thereof without examination, under Section 2 of this Act, unless said application shall have been made within six (6) months after this Act shall become effective. Applicants holding certificates issued by Cosmetology Boards of all States or Counties who shall certify and prove to the satisfaction of said "Board of Cosmetology of Alabama" shall be issued a certificate and license as operator or apprentice without examination upon payment of registration fee of Fifteen ($15.00) dollars.

Section 7. CERTIFICATES FOR SHOPS OR SCHOOLS. Any person, firm or corporation may apply to the Board of Cosmetology in any such County for a certificate of registration as a regular beauty shop or school of Cosmetology or beauty school, within the meaning of this Act, by making written application to such Board of Cosmetology applying for a permit to open and operate said beauty shop or school of Cosmetology in the County over which Board has jurisdiction. And said Board shall issue said beauty shop or school of Cosmetology a license or permit to operate under this Act upon receipt of the payment of a registration fee as follows: for a beauty shop Ten ($10.00) dollars; for a school of Cosmetology Fifty ($50.00) dollars. Provided however, that no person, firm or corporation shall operate a combination beauty shop and beauty school and no beauty shop who shall teach or train a student or apprentice preparatory for examination as a Cosmetologist, shall be permitted to charge or receive pay from such student or apprentice and nothing in this Act shall prevent a beauty shop from having in said shop two apprentices or students who may receive training or be taught Cosmetology in said shop at one time free of all charges, and any shop under this Act who shall have therein any apprentices, who shall be in training or in the act of learning Cosmetology, shall cause said apprentice to wear on the bosom of his or her said apron, dress or smock, where same may be seen, a printed sign or button denoting the fact that said person is an apprentice or student, and such beauty shop or school shall have posted at the entrance to said beauty school or shop, a sign or notice, denoting whether said entrance is to a beauty shop or beauty school, said notice to be printed or painted, with each letter of said sign to be no less than two inches in height.

Section 8. REQUIREMENTS OF SCHOOLS AND SHOPS TEACHING COSMETOLOGY. Any person, firm or corporation who shall establish by permit from the Board of Cosmetology, in any such County, as provided in Section 7 of this Act, a school or shop where students or apprentices shall be taught or trained in Cosmetology, shall attach to its staff as a consultant a person licensed by this State to practice an unlimited branch of medicine and shall employ for regular service one person registered as a Cosmetologist under all of the branches of Cosmetology as set out in Section 2, subdivisions A to E, inclusive, and such shop or school

teaching Cosmetology shall have in said shop or school, apparatus and appliances sufficient for the proper and full teaching of all subjects under subdivisions A to E, inclusive, in Section 2 of this Act and said shop or school shall keep a daily record of the attendance of each student, maintain regular class and instruction hours of not less than four (4) hours per day and not less than five (5) days per week while said apprentice or student shall be in attendance and in no case shall an examination be given a student or apprentice by the Board of Examiners, before he or she shall have completed a term of training of not less than six (6) months actual attendance at such school or shop for a training course comprising all or any one of the practices of Cosmetology as provided in Section 2 of this Act and such training shall include practical demonstrations, and theoretical studies in sanitation, sterilization, and the use of antiseptics, and other requirements as applicable to Cosmetology or any practice thereof as provided in this Act, except however, that any applicant may be certified for examination for manicuring alone to such Boards of Examiners, after completing one hundred (100) hours in said school or shop. When it shall be certified by said shop or school to such Boards of Examiners, that said apprentice has completed such course of study, as herein provided, then said student shall be given an examination for certificate and license to practice that branch of cosmetology in the county over which said Board has jurisdiction upon which he or she has been examined, at the next regular time for examination as provided.

Section 9. REFUSAL OR REVOCATION OF A CERTIFICATE OR REGISTRATION. Such Boards of Cosmetology shall refuse a certificate of registration or examination of any applicant, and holder of a certificate or license shall have same revoked, if said holder or applicant shall have previously been convicted of a felony in any courts of this State or of any other State or of the United States or when guilty of gross malpractice or incompetency, or of conduct involving moral turpitude, or who shall have a contagious or infectious disease, or be addicted to habitual drunkenness, use of cocaine, morphine or other habit forming drugs. Provided, however, that no person shall have his or her license revoked or be refused an examination for license without a public hearing by any such Board of Cosmetology if the same is demanded in writing to the Board by the accused within ten (10) days after notice of such revocation or refusal has been by said Board, and said accused shall not have less than twenty (20) days in which to prepare defense and procure evidence in his or her behalf. At such hearing, the Boards shall compel the attendance of witnesses and the production of books and papers by subpoena, and also shall have the power to administer oaths, and after such hearing by said Board, their judgment and acts shall be final, and said applicant or

practitioner shall be governed by such order as such Board shall make.

Section 10. BOARDS OF COSMETOLOGICAL EXAMINERS ESTABLISHED IN EACH OF SUCH COUNTIES AND THEIR DUTIES DEFINED. For carrying out the provisions of this Act, a Board of Cosmetologists and Cosmetological Examiners is hereby established in each county of the State of Alabama which now has or which may hereafter have a population of four hundred thousand or more, according to the last or any subsequent Federal census, the members of each such Board shall be appointed by the County Commission or like governing body of the county in which said Board is located. Board members three (3) in number, shall be named and shall be practitioners of all branches of Cosmetology of not less than five (5) years experience in this State and shall reside in the County where said Board has jurisdiction. The members of the first Boards to be appointed immediately after this Act is adopted, shall be appointed for a period of one, two and three years respectively, but the term thereafter shall be for four (4) years; and those appointed to fill vacancies shall be appointed only for the unexpired terms of their predecessors. The Secretary of each such Board shall keep a record of all proceedings, subject to public inspection, and a register of all applicants and registrants, and each such Board shall have authority to make reasonable rules and regulations for the operation of schools of Cosmetology in their respective counties and each such Board shall have authority to appoint an inspector, for its respective counties with authority to enter upon and inspect any schools or shops of Cosmetology in such County at any time during business hours for the purpose of enforcing the provisions of this Act, such inspector, when authorized by the Board of Cosmetology to inspect any school or shop, shall receive for such inspection Five ($5.00) Dollars per diem as pay, together with all actual expenses provided receipts for expenditures are presented to said Board for each day while such inspector is actually engaged in such inspection or examination of shop or school. A copy of all rules and regulations adopted by the Board shall be furnished by the Secretary of said Board to the proprietor of each shop and school of Cosmetology. No two members of said Board shall be members of or affiliated with any one school or shop of Cosmetology, while in office, nor shall any two members of said Board be graduates of the same school or shop.

Section 11. ELECTION OF OFFICERS OF BOARD DUTIES. The members of each such Board shall after their appointment, annually elect from among their number a President and Treasurer and shall annually appoint a Secretary who shall not be a member of the Board but must be licensed to practice all branches of Cosmetology in this State. The compensation of the Secretary, to be fixed by the Board, shall not exceed the sum of Three thou-

sand ($3,000.00) dollars per year and shall be paid by the Board out of funds received by it and no part of such compensation shall be paid by the State of Alabama. The Treasurer, shall have full authority and control of all funds of said Board, but before entering upon the discharge of his or her duties, shall file with the Treasurer of the State of Alabama a good and sufficient bond in the penal sum of Two Thousand ($2,000.00) dollars payable to the "Alabama Board of Cosmetology," to insure the faithful performance of his or her duties and the premium of such bond shall be paid out of the funds received by the Board. The members of each such Board of Cosmetology shall receive no pay for such duties as Board of Cosmetology or Board of Examiners except Ten ($10.00) Dollars per diem for every meeting of the Board which they attend together with their necessary expenses to and from their respective places of residence to the County Seat of the respective counties for the purpose of examining applicants for registration to practice Cosmetology and such Board shall meet for such examination of such applicants as Cosmetologists on each second Tuesday of June and December and remain in session for three days, and shall meet in their respective County Court Houses and if said Board shall be unable to obtain a place of examination in the Court House they shall rent such space as necessary with funds from the Treasury of said Board. The majority of the members of the Board shall constitute a quorum for the transaction of business and shall prescribe rules for its government and have a seal with which to authenticate its acts.

Section 12. REQUIREMENT OF RENEWAL OF LICENSE. Each such Board shall require each operator, each school of Cosmetology and each beauty shop in its respective County to renew their certificate of registration and license once each year by requiring each of the above to make application to the Secretary of said Board for such renewal of certificate or license and such renewal application shall be accompanied by a renewal fee as follows: for operators Ten ($10.00) dollars, for manicurists Two ($2.00) dollars, for schools Fifteen ($15.00) dollars, for shops Ten ($10.00) dollars and there shall be attached to each application for renewal a sworn certificate of health of said applicant issued by a registered licensed physician. A certificate or license which has not been renewed prior to the Thirty-first day of December in that year, shall on the Thirty-first day of December in that year expire. The holder of the expired certificate or license may within three (3) years of the date of expiration, have his or her certificate restored upon the payment of a fee of Ten ($10.00) dollars together with satisfactory proof to the Board of the County in which such applicant resides of his or her qualifications to resume practice or occupation. The first certificate or license issued under this Act shall be valid until December Thirty-first Nineteen Hundred and Thirty-one and shall

expire thereafter unless renewed for the next year as herein provided.

Section 13. PENALTY PRESCRIBED FOR VIOLATION. Any person who shall practice Cosmetology, or any of the practices thereof, maintain a school of Cosmetology, or beauty school, or beauty shop or act in any capacity wherein a certificate or license is required by this Act without such certificate or license or shall in any manner violate any of the provisions of this Act shall be guilty of a misdemeanor and shall be fined not to exceed One Hundred ($100.00) dollars and may be imprisoned in the County jail for not more than ninety days, either or both. Each and every day of violation shall be construed as a separate offense. All fines and penalties shall be paid as other fines and penalties are paid under the laws of this State.

Section 14. Each section of this Act and every part of each section is hereby declared to be independent of every other and the holding of any section or part thereof to be void or ineffective for any cause, shall not be deemed to affect any other section or part thereof.

Section 15. This Act shall be effective Thirty (30) days after the Governor's approval ,and all Acts or parts of Acts in conflict herewith are hereby repealed.

Approved July 23, 1931.

No. 560) (H. 1155—Taylor.

AN ACT

To provide that in all counties having a population of not less than 105000 nor more than 300000 according to the last or any succeeding Federal Census the salary of the Clerk or Secretary of Jury Boards in such Counties, and the salaries of Jail Guards shall be preferred claims against such Counties, having the same priority as the salaries of members of Boards of Revenue & Road Commissioners or like governing bodies in such Counties.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all Counties of the State of Alabama having a population of not less than 105000 nor more than 300000 according to the last or any succeeding Federal Census the salary of the Clerk or Secretary of Jury Boards in such Counties and the salaries of Jail Guards in such Counties shall be preferred claims against such Counties, and shall have the same priority as the salaries of members of Boards of Revenue & Road Commissioners or like governing bodies in such counties.

Section 2. This Act shall take effect upon its passage.

Approved July 23, 1931.

No. 561) (S. 447—Craft.

AN ACT

To submit to the qualified electors of the state of Alabama at the general election to be held next succeeding this session of the Legislature, for their consideration an amendment to the Constitution of the state of Alabama by amending Section 138 of Article 5, of the Constitution of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as hereinafter set forth viz, that Section 138 of article 5 of the Constitution of Alabama be amended so as to read as follows: Section 138 of Article 5,—A sheriff shall be elected in each County by the qualified electors thereof who shall hold office for a term of four year unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail, or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached under Section 174 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as sheriff.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the state at least eight consecutive weeks next preceding the general election in November, 1932, of the election on the amendment proposed by this Act, to be submitted to the qualified electors of the state for their consideration together with the proposed amendment.

Section 3. That at the general election in November 1932 an election shall be held by the qualified electors of the State upon the proposed amendment. Upon the ballots used at such election shall be printed the following: Amendment to the Constitution by amending Section 138 of Article 5 so as to read as follows: Section 138 of Article 5.—A sheriff shall be elected in each County by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail or from the custody of any sheriff or his deupty, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under Section 174 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been

elected or appointed to serve as sheriff. Following the proposed amendment on a ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by the cross mark by him opposite the word expressing his desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated, and the returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 5. Provided that at such general election the Circuit Judge or Judges of each Circuit in each County or Counties comprising their Circuits, the County Coroner and the Circuit Court Clerk in each County or Counties or a majority of them shall appoint at least one qualified elector and not more than two qualified electors to preserve order at each polling place, each such qualified elector to be vested with the power and authority of a Deputy Sheriff, such appointment to take the place and be in lieu of Deputy Sheriffs provided by law for other elections.

Passed House of Representatives July 21, 1931.

Passed Senate June 30, 1931.

No. 562) (S. 417—Wikle.

AN ACT

To provide and submit to the qualified electors of the State of Alabama at the general election to be held on the first Tuesday after the first Monday of November, 1932, for their consideration an amendment to the Constitution of Alabama, so as to fix the debt limitation of all cities, towns, villages, and other municipal corporations of the State of Alabama, having a population of not less than one nor more than six thousand and to set out the kinds of indebtedness not included in such limitations.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the first Tuesday

after the first Monday of November, 1932. The amendment proposed is as follows: (a) All cities, towns, villages, and other municipal corporations having a population of not less than one nor more than six thousand are hereby authorized to become indebted in an amount, including present indebtedness, not exceeding eight per centum of the assessed valuation of the property therein, as the same is assessed for State taxation. There shall not be included in the above limitation of indebtedness the following classes of indebtedness, to-wit: (a) temporary debts or loans for current expenses to be paid within one year, made in anticipation of the collection of taxes for the current year, and not exceeding one-fourth of the general revenue for the preceding year: (b) indebtedness already or hereafter incurred for purchasing, acquiring, providing, constructing, enlarging or improving water works, electric light and gas and sewage disposal plants either within or without the City Limits; (c) indebtedness already or hereafter incurred for sewer, street, sidewalk, and other improvements whether of a like or of any different kind, to the extent that the cost thereof has been or is proposed to be assessed against the property benefited thereby; nothing contained in this amendment shall prevent the funding or refunding of existing indebtedness. Provided that this amendment shall not apply to municipalities located in Jackson, Marshall Etowah and St Clair Counties.

Section 2. That the notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Passed the House and the Senate July 21, 1931.

No. 563) (S. 421—Shepherd.

AN ACT

To declare and make invalid all conveyances, leases, contracts of exchange, sales or other dispositions, for more than one year, of real estate hereafter made by any Department, Commission or other agency of the State of Alabama, unless approved in writing by the Governor.

Be it Enacted by the Legislature of Alabama:

Section 1. That all conveyances, leases, contracts of exchange, sales or other dispositions, for more than one year, of real estate

hereafter made by any Department, Commission, or other agency of the State of Alabama, shall be invalid and void unless approved in writing by the Governor.

Section 2. That all laws, and parts of laws, in conflict with the provisions of this Act, be and the same are hereby repealed.

Section 3. That this Act shall go into effect immediately after approval by the Governor.

Approved July 23, 1931.

No. 564) (S. 477—Beasley.

AN ACT

To propose an amendment to the Constitution of Alabama for the purpose of authorizing the Legislature to form or provide for the formation of Forestry Districts for the promotion of reforestation and the development and protection of growing timber, and establishing and maintaining such Districts by levying an acreage tax of not to exceed five cents per acre; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Tuesday in May, in the year 1932.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified voters of the State upon such proposed amendment to be held on the first Tuesday in May, in the year 1932. The proposed amendment is as follows: Article ——The Legislature may form or provide for the formation of Forestry Districts in Alabama for the promotion of reforestation and the development and protection of growing timber and, for the purpose of establishing and maintaining such Districts, may authorize and provide for the collection of an acreage tax not to exceed five cents per acre to be levied and collected on the lands comprising such Districts. This Article shall be retroactive as to legislation in accordance with its provisions enacted by the Legislature of 1931.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in each County in the State for at least eight successive weeks next preceding the date hereby appointed for such election. On the official ballot printed for such election shall be printed the proposed amendment immediately succeeding the words "Shall the following be adopted as Article —— of the Constitution of Alabama?" Immediately succeeding the text of the proposed amendment shall be printed the following: "Yes—— No——." The choice of the elector shall be indicated by a cross-mark made

by him or under his direction opposite the word expressing his desire.

Section 3. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections and the constitutional provisions concerning amendments to the Constitution. The votes cast in such election shall be canvassed, tabulated and returns thereon made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted in such election upon the proposed amendment voted in favor of same such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such an election shall be made known by a proclamation of the Governor.

Passed Senate June 23, 1931.

Passed House of Representatives July 21, 1931.

No. 570) (H. 1144—McElderry

AN ACT

To authorize Commissioners Courts, Boards of Revenue and other like governing bodies of all counties in the state having a population of not less than forty five thousand people and not more than forty six thousand people according to the last federal census or any subsequent federal census to expend not to exceed five hundred dollars in any one year from the general fund of the county in making suitable arrangements in connection with and in co-operating with any patriotic organization chartered by authority of a special act of Congress of the United States which holds any State Convention during such year in the County, for and in connection with such convention.

Be it Enacted by the Legislature of Alabama:

Section One. That the Courts of County Commissioners, Boards of Revenue, and other like governing bodies of the several counties in the state, having a population of not less than forty five thousand people and not more than forty six thousand people according to the last federal census or any subsequent federal census, be and they are hereby authorized to expend not to exceed five hundred dollars in any one year from the general fund of the county in making suitable arrangements in connection with and in cooperating with any patriotic organization chartered by authority of a special act of Congress of the United States which holds any state Convention during such year in the county, for and in connection with such convention.

Approved July 23, 1931.

No. 571) (H. 1152—Morrow

AN ACT

To amend Section 72 of an Act, entitled an Act, in reference to and to further provide for the General Revenue of the State of Alabama. Approved July 22, 1927.

Section 1. *Be it Enacted by The Legislature of Alabama* That Section 72 of an Act, entitled an Act, in reference to and to further provide for the General Revenue of the State of Alabama, approved July 22, 1927, be, and the same is, hereby amended so as to read as follows: Section 72. The State Tax Commissioner is hereby authorized and empowered to appoint a license inspector for each County, provided that the same person may be appointed for more than one county. It shall be the duty of the license inspector to scrutinize the records and stubs kept in the office of the probate judge, and if it shall be reported to any license inspector or come to his knowledge that any person, persons, firms or corporations have failed or refused to take out license required by law, the license inspector shall report the same in writing to the probate judge and such license inspector shall forthwith cite such delinquent to appear before the judge of probate and take out such license, but the probate judge shall not have authority to determine the liability of such delinquent for such license, but shall in such case, issue a license to the applicant therefor, upon payment by him of the amount or amounts, penalties and fees as prescribed by this Act. If such delinquent shall fail or refuse to take out license, the license inspector shall institute or cause to be instituted criminal proceedings against such delinquent, before any court having jurisdiction of such offense. In case of emergency the license inspector must commence the criminal proceedings in the first place. For performing the duties required by this Section, the license inspectors are entitled for each case so brought before the probate judge, to be paid by the delinquent in addition to the licenses, fifteen percent of the amount of the license so collected from each delinquent, which must be paid in all cases if report of delinquency has been made to the judge of probate of such delinquency, and if a criminal prosecution shall be commenced either by affidavit and warrant, or information or indictment, the license inspector shall be paid fifteen percent of the penalty hereinafter prescribed in such case, all cost and penalty to be paid in money, but in all proceedings under this Act, the license due October 1st shall not be delinquent before the first day of November of each year. Provided that such license inspector shall, before entering upon his duties, be required to enter into bond in a sum to be fixed by the State Tax Commissioner, payable to the State of Alabama, conditioned as bonds of other State officers. License Inspectors are authorized to appoint deputies and the acts of such deputies shall be recognized as his

acts and he shall be responsible for the same. Such deputies shall receive no compensation for their services out of the State or County revenue, except in cases as otherwise provided in this Act. Citations to delinquents shall be served by any lawful officer, or by the license inspector, or his deputy, or by mail as hereinafter provided, and he shall be allowed as a fee, one dollar and fifty cents ($1.50) for each citation served, to be taxed against the delinquent. The license inspector may, when he deems it necessary, cause another citation to issue to each delinquent provided only one citation fee shall be assessed against each delinquent for each case of delinquency. Such original and subsequent citations may be served on the delinquent by mailing him a copy of such citation to his residence or business address, as the same appears in the City directory or the telephone directory of the city wherein he resides, and if outside of the city, to his place of address. Such citation to be mailed to such delinquent by registered mail and a return receipt demanded therefor, and when the return receipt is signed by the delinquent, as showing the citation to have been actually received by the delinquent, is received back through the mail by the license inspector, then the said delinquent shall be held to have been duly served with the citation. The license inspector or any of his deputies in the name of the license inspector may make return on the citation of such service by registered mail, and such service shall have the force and effect of personal service on such delinquent, and the license inspector shall be entitled to the citation fee or fees hereinabove prescribed. From penalties and fees collected the license inspector shall be paid all fees and penalties due him for his services, as provided in this Act. The residue shall be paid two-thirds to the State and one-third to the County. License Inspector shall have the same power and authority to arrest persons violating the revenue laws of the State as is now vested in the Sheriffs of the State, and shall receive the same fees for such service.

Section 2. Provided however, this Act shall only apply to Counties having more than three hundred thousand (300,000) population according to the last or any subsequent Federal Census.

Section 3. This Act shall not repeal any of the provisions of Section 72 except as herein enacted in the Counties herein included.

Section 4. This Act shall go into effect October 1, 1931.

Approved July 23, 1931.

No. 574) (S. 275—Hildreth.

AN ACT

To provide for the summoning of witnesses before the Grand Jury by a Clerk of the Circuit Court and to provide fees for such services.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the Clerk of the Circuit Court in term time or vacation, to issue subpoenas for any necessary witnesses to be and appear before the Grand Jury without application having been made for such witnesses by the Grand Jury.

Section 2. For the services performed as required by this Act, the Clerk shall receive the same fees as for issuing other subpoenas.

Approved July 30, 1931.

No. 575) (S. 276—Hildreth.

AN ACT

To provide for the reissuance of subpoenas for witnesses and the service of such subpoenas in criminal cases where cases have been continued; and to provide compensation for the services of the officers in connection therewith and to provide against whom such costs shall be taxed and how paid.

Be it Enacted by the Legislature of Alabama:

Section 1. Where a case has been continued, it shall be the duty of the clerk of the Circuit Court to issue a subpoena for all witnesses in such cause, when it is next set, and it shall be the duty of the Sheriff to execute such subpoena by summoning the witnesses named therein.

Section 2. The Circuit Clerk shall, for the services required of him by this Act, receive the same compensation that he receives for issuing the original subpoenas, and the Sheriff shall receive the same compensation that he receives for serving the original summons.

Section 3. The costs accruing from the services performed as provided in this Act, shall be taxed and paid as other costs are taxed and paid in criminal cases.

Approved July 28, 1931.

No. 577) (S. 291—Hildreth.

AN ACT

To provide for the compensation of Clerks and Registers of the several Circuit Courts of this state for the collection and remittance of any sum or sums collected by such Clerk or Register for the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Clerks and Registers of the several Circuit Courts of the State of Alabama shall receive five per cent of any sum or sums collected by such Clerk or Register for the State of Alabama, as compensation for the collection and remittance of the same, the said percentage to be deducted by such Clerk or Register making the collection from such sum or sums collected.

Approved July 28, 1931.

No. 579) (S. 468—Wikle

AN ACT

For the relief of the Anniston Land Company.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of general funds of the State of Alabama not otherwise appropriated the sum of $1,912.50 to be paid to the Anniston Land Company, a corporation under the laws of the State of Alabama, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in the sum of $1,912.50 in favor of the said Anniston Land Company, and the State Treasurer is hereby authorized and directed to pay said warrant out of any funds in the treasury not otherwise appropriated, said sum being a refund to the said Anniston Land Company of franchise taxes erroneously paid by the said Anniston Land Company to the State of Alabama for the years 1924, 1925, 1926, 1927, 1928 and 1929. Provided that the Attorney General, Chairman Tax Commission and the Governor shall be and constitute a Commission whose duty it shall be to ascertain how much is due and make an award in writing to the Governor as to amount due, if any to the Anniston Land Company, whereupon the Governor shall, in writing, order the State Auditor to draw a warrant upon the State Treasurer for such amount.

Section 2. That this Act shall go into effect upon its approval by the Governor.

Approved August 1, 1931.

No. 581) (S. 491—Powell

AN ACT

In relation to time allowed Secretary of the Senate, and the Clerk of the House of Representatives to check, compare and deliver the Journals of the Senate and House of Representatives of this Session of the Legislature to the Secretary of State.

Be it Enacted by the Legislature of Alabama:

Section 1. The Secretary of the Senate and the Clerk of the House of Representatives shall be allowed six weeks from the date of the final adjournment of the present session of the Legislature of Alabama in which to compare, check and deliver the Journals of the Senate and House of Representatives to the Secretary of State.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Approved July 30, 1931.

No. 583) (S. 550—Powell.

AN ACT

To amend an act entitled "An Act to create and establish a reform school for the training of juvenile negro lawbreakers at Mt. Meigs, Alabama; to make appropriations for the purpose and accept by donation all such lands and buildings as are needful therefor; to create a Board of Trustees and to provide for the suitable management of said institution" approved April 24th, 1911, as amended by an act approved September 30, 1919.

Be it Enacted by the Legislature of Alabama:

That Said Act Be Amended By Adding The Following: Section 10. The authorities of the school may receive on application any negro girl under the age of eighteen years who may be committed to it by an order or judgment of any court of record of the State of Alabama, and to support and govern and teach any girl so admitted until she be of the age of eighteen years, or legally discharged from said school. Provided that no negro girl shall be committed to said institution by any court except upon the consent of the management of said school or institution as limited by its capacity to take such girls, and such juvenile negro girls so admitted are to be subject to the same terms and conditions provided for juvenile negro boys.

Section 11. For the support and maintenance of such girl or girls so committed and received, there is hereby appropriated the sum of Ten Dollars per month for every such girl lawfully attending and being instructed in such school, which shall be paid month-

ly upon the sworn statement of the superintendent or acting president of the school, and approved by the Governor, out of the State Treasury.

Section 12. The other provisions of said original act and the amendment thereof are not hereby repealed.

Approved July 28, 1931.

No. 584) (S. 556—Hildreth.

AN ACT

To amend Section 47 of an Act entitled: "An Act in reference to and to further provide for the General Revenue of the State of Alabama," said Act being found at page 152 of the General Acts of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 47 of an Act of the Legislature of Alabama of 1923 entitled: "An Act in reference to and to further provide for the general revenue of the State of Alabama," be, and it is hereby amended so as to read as follows: Section 47. Assessor to make, annually, plat books, or renewals thereof, of real estate; how books or renewals thereof are paid for in this and preceding section —The Tax Assessor shall make, annually, or cause to be made, annually, a complete plat book or books, or renewals thereof of real estate in the County, in a form to be prescribed by the State Tax Commission, in which the name of the owner shall be entered on each separate subdivision, together with the assessed value thereof. The Court of County Commissioners or court of like jurisdiction shall, for making out the plat book, or renewal thereof, as required by this and preceding Section, pay to the Tax Assessor for the services rendered by him, as follows: in counties where the aggregate assessed value of real and personal property amounts to two million dollars or less, one hundred dollars; when the assessed value amounts to more than two million, and not exceeding four million dollars, one hundred and twenty-five dollars; when the assesed values amount to more than four million and not exceeding six million dollars, one hundred and seventy-five dollars; when the assessed values amount to more than six million and not exceeding eight million dollars, two hundred dollars; when the assessed values amount to more than eight million dollars such compensation as may be fixed by the Court of County Commissioners, not less than two hundred and fifty and not exceeding six hundred dollars, which debt shall be a preferred claim against the county.

Section 2. That all general laws or parts of general laws, in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor.

Section 4. That if any Section, clause or provision of this Act shall be declared unconstitutional, it shall not be held to effect any other section, clause or provision of this Act and the same shall remain in full force and effect.

Approved July 30, 1931.

No. 585) (S. 584—Hildreth.

AN ACT

To provide for the transfer, by the Superintendent of Insurance, of deposits of securities from the office of the Superintendent of Insurance to the custody of the State Treasurer.

Be it Enacted by the Legislature of Alabama:

Section 1. That all deposits of securities required of Mutual Aid Associations, or of funeral or burial associations or companies, under Section 8396 of the Code of Alabama of 1923, shall, on and after the passage of this Act, be transferred to the custody of the State Treasurer of Alabama.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. If any clause, or provision, or part of this Act shall be declared to be unconstitutional, the same shall not be held to affect any other part, clause, or provision, but same shall remain in full force and effect.

Section 4. That this Act shall take effect immediately on its approval by the Governor.

Approved July 30, 1931.

No. 590) (H. 191—Ware.

AN ACT

To provide for the election of District School Trustees for the several school districts of the State of Alabama:

Be it Enacted by the Legislature of Alabama:

Section 1. That on the first Saturday in May, 1932, and every two years thereafter, three school trustees shall be elected for each school in every county by the patrons of the school. The county superintendent of education shall appoint three managers to hold the election at each school who shall conduct the election in accordance with regulations prepared by the county superintendent of education and approved by the county board of education. The results of the election shall be reported to the county superintendent

of education on a certificate signed by the managers of the election, provided, however that this shall not apply to incorporated cities or towns having city or town Boards of Education.

Section 2. That the trustees elected under the provisions of this Act, except as otherwise provided by law, shall have charge of the school building and grounds and shall advise and cooperate with the county board of education in all matters relating to the general welfare of the school. The trustes shall have authority by a unanimous vote to refuse to accept the assignment of any teacher within ten days after the date of the superintendent's notice of assignment upon written notification to the county superintendent of education setting out the reasons for such refusal.

Section 3. That when any vacancy occurs on the Board of School Trustees elected under the provisions of this Act, the same shall be filled by the County Board of Education and the person thus elected shall hold office until his successor is elected and qualified. Provided that the County Board of Education may remove any school district trustee elected under the provisions of this Act upon recommendation of the County Superintendent of Education, for misconduct, or willful neglect of duties.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 5. Provided the provisions of this Act shall not apply to counties now having or that may hereafter have a population of more than ninety thousand inhabitants by the present or any subsequent federal census.

Section 6. That the managers of said election shall serve without pay.

Approved August 1, 1931.

No. 591) (H. 290—Grove

AN ACT

To amend Section 9587 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

That Section 9587 of the Code of Alabama of 1923 be, and the same hereby is amended so as to read as follows: 9587 (5426) (3368) DUTY AS TO DEAD BODIES; ANALYSIS OF BODIES WHEN DEATH BY POISON, UNLAWFUL MEANS, ACCIDENT OR VIOLENCE, SUSPECTED.—Whenever the judge of probate has reason to believe that the death of any person dying or buried in the county was caused by poison, unlawful means, accident or violence, he may order and obtain a chemical analysis of the stomach, heart, brain, lungs, kidneys or any other

organs and their contents, of the body of such deceased person, and to that end may call upon the State Chemist to make such analysis without cost to the county or state and such analysis shall be made and reported to said judge of probate.

Approved August 4, 1931.

No. 592) (H. 374—Key.

AN ACT

To amend Section 6851 of the Code of 1923.

Be It Enacted by the Legislature of Alabama, that Section 6851 of the Code of 1923, be, and the same is hereby amended so as to read as follows: 6851. Governor May Convey Or Alienate State Lands. As to all lands or lots owned or claimed by the State of Alabama and not presently used for governmental purposes, where there is no other specific mode by which the state may convey such lands, the governor of Alabama may request the written opinion of the attorney-general of Alabama as to whether such conveyance is proper, and if the governor is satisfied that such conveyance is proper, he may execute a conveyance to any purchaser or claimant of such lands so owned or claimed by the State, which conveyance shall be executed in the name of the state by the governor of Alabama, attested by the secretary of state, who shall affix the great seal of the state thereto, and such conveyance shall pass all title or claim which the State of Alabama may have in or to lands so conveyed. When it is made to appear to the satisfaction of the attorney-general, by the owner or claimant of any such land so owned or claimed by the state, that such land has been previously conveyed by the state and the original conveyance or a duly certified copy thereof cannot be located or obtained, or that the state has lost its interest in such land by adverse possession, a conveyance may be executed to the purchaser, owner, or claimant, as herein authorized.

Approved August 4, 1931.

No. 593) (H. 431—Sossaman

AN ACT

To provide that an acknowledgment or proof of any deed, mortgage, or other conveyance to or by a corporation, national banking association, or building and loan associations at any time heretofore or hereafter taken by an officer authorized by law to take acknowledgments and proofs of conveyances and at that time owning or holding not more than one per cent of the total issued and outstanding capital stock of such corporation, national banking association, or building and loan association, and

not then holding any office in said corporation, national banking association, or building and loan association, shall have the same effect as if such officer did not hold or own any of such stock.

Be it Enacted by the Legislature of Alabama:

Section 1. That an acknowledgment or proof of any deed, mortgage, or other conveyance to or by a corporation, national banking association, or building and loan association at any time heretofore or hereafter taken by an officer authorized by law to take acknowledgments and proofs of conveyances and at that time owning or holding not more than one per cent of the total issued and outstanding capital stock of such corporation, national banking association, or building and loan association, and not then holding any office in said corporation, national banking association, or building and loan association, shall have the same effect as if such officer did not hold or own any of such stock.

Section 2. That all laws and parts of laws, general, local, or special, in conflict with the provisions of this act be, and the same hereby are, repealed in so far as they are in conflict with the provisions of this act.

Section 3. That this act shall become operative and effective immediately upon its approval by the governor.

Approved July 27, 1931.

No. 594) (H. 546—Rish.

AN ACT

To amend Section 3383 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 3383 of the Code of Alabama of 1923 be and the same is hereby amended so as to read as follows: "3383. Bail not discharged by irregularities or by want of qualification. No bail are discharged by reason of the want of the qualifications required in this chapter, or by reason of there not being the requisite number of bail, or by reason of any agreement other than is expressed in the undertaking, or by reason of the infancy, coveture, lunacy, or any other incapacity of any of the other parties thereto, or because of the defendant has not joined in the same, or because the undertaking of bail is taken and approved by the sheriff or his deputy, where the defendant is released from custody on approval of such undertaking of bail.

Approved August 4, 1931.

No. 595) H. 547—Rish.

AN ACT

To amend Section 6511 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6511 of the Code of Alabama of 1923 be and the same is hereby amended so as to read as follows: "6511. Special Register, Deputy Register;—The circuit judge may appoint a special register when necessary. The Register may appoint deputies with full power to transact all business and perform all the duties of such Register, such deputies first taking an oath to support the constitution and laws of this State, and faithfully to discharge the duties of deputy Register of the court for which they act."

Approved August 4, 1931.

No. 596) (H. 560—Mize.

AN ACT

To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama operating under the Commission form of government and which now have or which may hereafter have a population of as much as twenty thousand and less than fifty thousand people, according to the latest or any succeeding Federal Census; to provide for a Civil Service Board in such cities and fix their duties, authority, powers, and compensation.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all cities of the State of Alabama operating under the commission form of government and which now have a population of as much as twenty thousand and less than fifty thousand people according to the latest Federal Census, or which may hereafter have such a population according to any Federal Census that may hereafter be taken, what is known as the police department and what is known as the fire department and all officers and members of said departments, including the chiefs of said departments, must, and shall, be under and governed by Civil Service regulations under direction and supervision of a Board as hereinafter provided, and all persons who may hereafter be elected or appointed as officers or members of such departments, or either of them, or who may hereafter be employed in either of said departments as members thereof, shall thereafter remain and continue in their respective employments as such municipal officers and employees of said cities during good behavior, efficiency and obedience to such reasonable rules and regulations as may, from time to time, be prescribed by the Civil Service Board, which is herein provided for, and as is

hereafter provided. Nothing herein contained shall be construed to prevent or preclude the removal of any officer or member of either of said departments by the Civil Service Board for cause in the manner hereafter prescribed.

Section 2. With reference to the police department the following definition shall apply as used herein: Patrolman: The word "patrolman" as used herein shall mean and apply to all motorcycle officers, drivers of automobiles used by the police department, and all other members of the police department below the grade of sergeant but shall not include detectives. Officer: The word "officer" as used herein shall mean and apply to all members of the police department of the grade of sergeant, detective, captain, assistant chief of police, and the chief of police. Members of the Police Department: The words "members of the police department" shall mean and include all officers, patrolmen, and detectives, and wardens, if detailed to warden's duty from the ranks of patrolman or officers. With reference to the fire department the following definitions shall apply as used herein: Members of the Fire Department: The words "members of the fire department," or "members of the fire departments," as used herein shall mean and include the chief of the fire department, assistant chiefs of the fire department, captains, lieutenants, engineers, assistant engineers, and firemen, and all others who are regularly carried on the pay roll of such fire departments except hostlers and helpers; and in addition to those specificially named hereinbefore as members of said departments, such others as such Board may find and designate to properly be such members, respectively.

Section 3. Within fifteen days after January 1, 1932, the Governor of the State of Alabama shall appoint three persons who shall constitute and be known as the Civil Service Board of such city coming within the provisions of this act one to hold office for a term from the date of his appointment and qualification until and including the first Monday in April of the year next succeeding his appointment, and until his successor shall be elected and shall qualify as hereafter provided; one to hold office for a term from the date of his appointment and qualification until and including the first Monday in April of the second year next after his appointment, and until his successor shall be appointed and shall qualify as hereafter provided; and one to hold office for a term from the date of his appointment and qualification until and including the first Monday in April of the third year next after his appointment, and until his successor shall be appointed and shall qualify; and in each year thereafter the Governor of the State shall in a like manner appoint one person as the successor to the member of said Civil Service Board whose term shall expire that year. Such person so appointed shall hold office for a term of three years from and including the first Tuesday after the first Monday of April of said year and until his successor

shall be appointed and qualify for office. Appointments to fill vacancies on said Board shall be for the unexpired term. Any member of said Board whose term shall expire shall be eligible to reappointment. Two members of said Board shall constitute a quorum. No person shall be eligible to be a member of said Civil Service Board who shall not, at the time of his appointment, be over twenty-five years of age and an actual resident in and a qualified voter of such city. No person shall be eligible to be a member of said Board who holds any office of profit under the City, County, or State.

Section 4. Every person who shall be appointed as a member of such Civil Service Board according to the provisions of this Act, shall within fifteen days thereafter qualify by making oath that he is eligible for said office and will execute the duties of the same according to his best knowledge and ability. Such oath shall be administered by any person authorized to administer oaths or by any member of the Board of Commissioners of such city, and a copy thereof filed with the City Clerk.

Section 5. The Civil Service Board shall make rules and regulations to carry out the purpose of this act, and for examinations, appointments and removals in accordance with its provisions and the Board may, from time to time, make changes in the existing rules. The chief of police and the chief of the fire department shall, from the membership of their respective departments, recommend for promotion such person or persons as the occasion may call for to fill any vacancy or vacancies that may occur in said respective departments, and all such vacancies shall be filled and all such promotions shall be made by the Civil Service Board. The Board may make rules and regulations relating to the eligibility for promotion. The chief of the police department and the chief of the fire department shall have authority in their respective departments to demote any member of the respective departments by and with the consent and approval of the Civil Service Board, provided, however, that upon written demand filed with the Civil Service Board within five days from the date of the order of demotion the person whom it is proposed to demote shall be given a public hearing by the Civil Service Board before any order of demotion shall be final. The chief of the police department and the chief of the fire department shall have authority to suspend any member of their respective departments pending the hearing by the Civil Service Board. In the event any vacancy shall occur in the office of chief of the police department or chief of the fire department such vacancy shall be filled by the Civil Service Board. In the event there is a reduction in the number of firemen or policemen employed by such cities, the men last employed shall be the first to be dropped, and so on in succession; Provided that the number of patrolmen in the police department who are qualified as motorcycle patrolmen shall not thereby

be reduced below the number which may from time to time be determined by the Board of Commissioners of such city as needed for motorcycle patrolmen; Provided, further, that the number of men in the fire department who are qualified as mechanics shall not thereby be reduced below the number which may from time to time be determined by the Board of Commissioners of such city as needed for mechanics in said department.

Section 6. All applicants for a place or position on the police force or fire department, as the case may be, shall file their application in writing with the Civil Service Board, said applications to be on the blank forms furnished by the Board, and all applicants must be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire.

Section 7. The Board shall control all examinations, and whenever an examination is to take place, shall conduct such examination. Every applicant for examination shall pay to the City Clerk the sum of one dollar and fifty cents, and the receipt therefor shall be attached to his application.

Section 8. The chief of police, as far as such police department be concerned, and the chief of the fire department, as far as such fire department be concerned shall notify the Civil Service Board of vacancies in the ranks of patrolmen or firemen, respectively, and the Board shall furnish the respective chiefs with the name and address, or names and addresses, of the candidate or candidates standing highest on the eligible list, and same shall receive the appointment or appointments to fill such vacancy or vacancies. All appointments shall be on probation for a period of six months from date of appointment. Before the expiration of the period of probation, the chiefs of the fire and police departments, respectively, may, by and with the consent of the Board, discharge any probationer in his respective department upon assigning in writing his reasons therefor to the Board. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete.

Section 9. The Civil Service Board may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the Board of Commissioners of such city the existing conditions demand. All officers so appointed shall be furnished with badges, said badge to be different in size and design from the regulation badges used by the regular members of the police and detective force, and must have the words "Special Officer" across

the face of them in large letters. The chief of police shall furnish the Board with the names and addresses of all persons to whom he has issued special badges, and at the expiration of their appointment shall cause all such badges to be taken up. From and after the going into effect of this act all outstanding commissions conferring police authority issued to persons other than those who are members of the police department of such cities shall become cancelled and void; and thereafter it shall be unlawful for any person to have in his possession any such commission or any badge of a police officer of such cities unless same has been issued to him by the Civil Service Board respectively affected thereby.

Section 10. It shall be a violation of the provisions of this act for any official, officer or other person to issue, give or lend one of the regulation police or detective badges to any person other than a regularly employed police officer or detective of the city.

Section 11. No member of either the police department or of the fire department shall be removed or discharged, nor shall the chief of the police department nor the chief of the fire department, be removed, discharged, or demoted, except for cause, upon written charges or complaint and after an opportunity to face his accusers and be heard in his own defense. Such charges shall be investigated by and before the Civil Service Board after not less than five days notice in writing with a copy of such charges shall have been given to the person charged, and the hearings thereof and thereon shall be public. The decision of the Board thereon shall be given in writing to the accused, and shall be spread on the minutes. In all proceedings before the Civil Service Board the City Attorney may appear and represent the interest of the City when ordered to do so by the Civil Service Board. Any attorney secured by the person or persons making the charge or accusation shall be allowed to represent the prosecution, and any attorney selected by the accused shall be allowed to represent the accused. Any person may be served with a subpoena to appear and testify, or to produce books and papers relevant to such investigation before the Civil Service Board, such subpoena to be issued as subpoenas are now issued and provided for in the Circuit Courts of this State; and anyone who shall refuse or neglect to appear and testify, or produce such books and papers relevant to such investigation as commanded in such subpoena, shall be guilty of a misdemeanor, and punished as misdemeanors are punished under the laws of the State of Alabama. The fees of witnesses for attendance and travel shall be the same as fees for witnesses before the Circuit Courts of this State, and shall be paid from the treasury of the city affected.

Section 12. In the course of an investigation by the Board, any member thereof shall have the power to administer oaths, and shall have the power to secure by subpoena both the attendance and testimony of witnesses, and the production of all books and papers relevant to such investigation as is herein provided.

Section 13. The respective Boards shall have access to all files, records, and data concerning the police and fire departments in their respective cities, and on request to either the chief of police or the fire department, must be furnished with any officer or fireman the Board may suggest for the purpose of making any investigation concerning the operation of the said forces or the conduct of any member of either of said departments.

Section 14. The Civil Service Board shall elect one of their members as chairman who shall hold office as such chairman at the pleasure of the Board. The Civil Service Board shall hold regular meetings on the third Mondays in January, April, July, and October for the transaction of business and may hold special, adjourned or call meetings at any time. All meetings of the Board shall be held in the City Hall unless otherwise provided by said Board.

Section 15. The Civil Service Board shall keep minutes of their meetings and records of all business transacted by them at each and every meeting. All such minutes and records shall be open for inspection at all times by the chief of police, the chief of the fire department, and any member of the City Commission or other governing body of such city in which same may exist.

Section 16. The compensation of the Civil Service Board shall be ten dollars for each member for each meeting attended, not to exceed for each member one hundred dollars per annum. The President and Board of City Commissioners, or other governing body of such city, shall provide for the salaries and expenses of the Civil Service Board, and shall provide in the annual budget of all cities coming within the provisions of this act an estimated appropriation sufficient to cover the salaries and expenses of such Board.

Section 17. No officer or employee of any police or fire department shall solicit orally, or by letter or otherwise, or receive, or be in any manner concerned in soliciting or receiving any assessment or subscription or contribution for any candidate, political party or political purpose whatsoever.

Section 18. No officer or other member of the police or fire department, or other person, shall in any wise undertake or threaten to degrade, discharge or promote, or in any manner change the official rank or pay of any officer or employee, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money or any valuable thing for any party or for any political purpose whatsoever. No employee of the police or fire department shall receive any promotion as a reward for his support of any candidate or political party. No employee of either department shall be reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 19. No recommendation by any officer or official, whether said officer or official be a city, county, state or national officer or official, shall be considered by any person concerned in

any examination or appointment under this act, except as to the general moral character of the applicant.

Section 20. Any person in the service of the city by appointment under Civil Service rules who shall wilfully, or through culpable negligence, violate any of the provisions of this act, and who shall be found guilty after a trial before the Civil Service Board shall be dismissed from the service of the city, and shall not be subject to reappointment for two years.

Section 21. Any officer or employee of the city other than those holding office under the Civil Service rules, who shall wilfully or through culpable negligence, violate any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty dollars, nor more than five hundred dollars, unless same be otherwise provided therein, and the office so held by such person, by force of such conviction, shall be rendered vacant, and such person shall not again be allowed to hold any office or place of employment under the city thereafter for two years. Any other person who shall wilfully, or through culpable negligence violate any of the provisions of this act shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars and not exceeding five hundred dollars.

Section 22. Every member of the police department and every member of the fire departments in all cities coming within the provisions of this act, who has been such member for a period of one month or more immediately prior to the day upon which this act goes into effect shall retain his position without examination, and be subject to all the conditions and benefits of this Civil Service Law.

Section 23. No person shall be eligible to take the Civil Service examination or to appointment as a member of either the police or fire departments in cities coming within the provisions of this act who is not a citizen of the United States or who has ever been convicted of a felony, or who does not possess a good moral character.

Section 24. The Civil Service Board shall, within ninety days from their appointment, draw and have printed such rules and regulations for the government of the said departments, in accordance with the provisions of this act, as may seem necessary. The Board shall have the power and authority to fix the maximum and minimum age limits of applicants for examinations, and may specify the weight, height, etc., required of all applicants.

Section 25. The violation of any of the provisions of this act by any person or persons is hereby declared to be a commission by such person or persons of a misdemeanor; and, unless otherwise provided herein, any person who commits such misdemeanor must, on conviction, be fined not more than five hundred dollars, and may

also be imprisoned in the county jail or sentenced to hard labor for the county wherein such misdemeanor is committed for not more than six months at the discretion of the Court.

Section 26. Each section of this act and each part of each section are hereby declared to be independent sections and parts of section and if any section, sentence, clause, or provision of this Act shall be held or declared to be unconstitutional or void it shall not effect or destroy the validity or constutionality of any other section, sentence, clause, or provision of this act which is not of itself void or unconstitutional.

Section 27. That this act shall take effect from and on January 1, 1932, after its approval by the Governor, or upon its otherwise becoming a law under Section 125 of the Constitution.

Section 28. All laws or parts of laws inconsistent herewith are hereby repealed.

Approved August 4, 1931.

No. 597) (H. 567—Bradford of Jefferson

AN ACT

To amend Sections 14 and 15 of an act of the Legislature of Alabama entitled "An Act to Provide for the Organization, Regulation and Government of the State Bar including Admissions and Disbarments of Lawyers," approved August 9, 1923, which sections are compiled and arranged as Sections 6233 and 6234, respectively, of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Sections 14 and 15 of an act of the Legislature of Alabama entitled "An Act to Provide for the organization, Regulation, and Government of the State Bar including Admissions and Disbarments of Lawyers," approved August 9, 1923, which sections are compiled and arranged as Sections 6233 and 6234, respectively, of the Code of Alabama of 1923, be and the same are hereby amended so as to read as follows: Section 14 (6233). DISCIPLINE: PROSECUTION AND PROCEDURE:—The Board of Commissioners shall establish rules governing procedure in cases involving alleged professional misconduct of members of the State Bar. The Grievance Committee of the Alabama State Bar Association, or the Grievance Committee of a Circuit, County or City Association, established or approved by the Alabama State Bar Association, or its Board of Commissioners, shall have the power and authority to investigate any alleged professional misconduct of a member of the State Bar, whether or not charge or complaint therefor be made or referred to it, and to report its findings or recommendations thereof to the Board of Commissioners, or to prefer complaint or charge thereon against the ac-

cused attorney at law before the Board of Commissioners for trial thereof, and to prosecute to decision the said complaint or charge before the Board of Commissioners, and the duty is imposed upon said Board of Commissioners of considering such findings or recommendations, and of hearing and determining such complaint or charge. And said Grievance Committee is hereby empowered to take testimony under oath in any such investigation, or the Board of Commissioners or such Grievance Committee may designate any person as Commissioner to take testimony under oath in any such investigation whose compensation for the services so rendered may be fixed and ordered paid by the Board of Commissioners at its discretion. Such Board of Commissioners or any member thereof or such Grievance Committee or any member thereof shall not be required to give any security for costs and shall not be liable for any costs or damages to the accused attorney at law incident to such investigation, report, complaint, charge, prosecution or trial. The Board of Commissioners may appoint counsel to prosecute before it any such complaint or charge so preferred before it against an attorney at law, and may within its discretion fix and order paid reasonable compensation for the services so rendered by such counsel. And it shall be the duty of the Sheriff of the State or of any lawful officer thereof to serve such writs, subpoenas, or other papers in connection with the investigation, hearing and determining of such complaint or charge as may be placed in his hands by said Board of Commissioners and/or said Grievance Committee and/or any person designated hereunder as Commissioner to take testimony in such investigation and/or any counsel appointed by the Board of Commissioners to prosecute before it such complaint or charge and/or the accused attorney at law and/or his or her attorney; and provided further, that such subpoenas, writs or other papers hereunder may be served by sending copies thereof to the proper parties by registered mail and the return recipts of such writs, subpoenas or other papers, signed by the party to be served, shall be construed to be as personal, sufficient and legal service of all such writs, subpoenas or other papers.

Section 15 (6234). APPROVAL BY COURT OF RULES AND REGULATIONS:—The rules and regulations adopted by the Board of Commissioners relative to disbarment shall not be effective until approved by the Supreme Court.

Section 2. This act shall be liberally construed in order to accomplish the beneficent purposes herein provided for; and should any section, clause, provision or part thereof be held unconstitutional, the same shall not affect the remaining portion thereof.

Section 3. This act shall be effective immediately upon approval.

Approved August 1, 1931.

No. 598) (H. 569—Beebe

AN ACT

For the relief of C. Irwin, former Sheriff of Baldwin County, Alabama.

WHEREAS, C. Irwin, former Sheriff of Baldwin County, Alabama, claims that the State of Alabama is indebted to him in the sum of $1772.06 for money paid for the use of the State in feeding prisoners during his term of office as Sheriff, namely, from the 1st day of Oct, 1927, to the 19th day of January, 1931, and for services rendered the State in excess of the amount paid to him by the State for such moneys and for such services.

Be it Enacted by the Legislature of Alabama:

That the Governor, the Attorney General and the State Auditor be and they are hereby constituted and appointed a Commission to investigate the said claim of the said C. Irwin and to hear and pass on all competent evidence concerning the same, and to ascertain whether or not there is any money owing to the said C. Irwin in and by said claim and the amount owing to him, if any, and if the said Commission shall ascertain that any sum is owing to the said C. Irwin for such moneys so advanced and for services so rendered in excess of the amounts paid him, they shall determine the amount so owing and certify the same to the State Treasurer, whereupon the Auditor of the State of Alabama is authorized to issue his warrant to the said C. Irwin for the amount so ascertained to be due, and the Treasurer is authorized and directed to pay the said warrant when same shall be presented.

Approved August 4, 1931.

No. 600) (H. 709—Davis of Pickens

AN ACT

To amend Section 3297, Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 3297 of the Code of Alabama, 1923, be and the same is hereby amended to read as follows: 3297. Wilful or malicious Setting Fire to or Burning Fences, etc.—If any person shall wilfully or maliciously set fire to or burn the fences, or stacks, piles or shocks of corn, peanuts, cotton, fodder, grain, straw or hay, or grass, trees of any age, lumber or other building material, or crops not gathered in the field, of another, he shall be punished by imprisonment in the penetentiary for not less than one year nor longer than five years.

Approved August 4, 1931.

No. 601) (H. 749—Miller

AN ACT

For the Relief Of The Citizens Life Insurance Company Of Huntsville, Alabama, Now In The Hands Of A Receiver.

WHEREAS, the Southern Insurance Company of Tennessee did, in the years 1926 and 1927 through and upon the demand of the superintendent of insurance and/or department of Examiners of Accounts of the State of Alabama, erroneously over-pay the State of Alabama, sums totaling Four Thousand Four Hundred Twenty & 73/100 ($4,420.73) Dollars as taxes upon the premiums upon its business done in Alabama during said tax years; said sum having been erroneously paid into the Treasury of the State of Alabama over and above the lawful taxes due and paid the State of Alabama by said Company for said tax years; and,

WHEREAS, the Citizens Life Insurance Company did reinsure the business written by the Southern Insurance Company in the State of Alabama, and the Southern Insurance Company, as a part of said reinsurance contract, did deliver to the Citizens Life Insurance Company of Huntsville, Alabama, as part of the reserve for the business reinsured by the Citizens Life Insurance Company, the said claim for overpaid taxes as hereinbefore recited and the said claim constitutes a part of the assets of the Citizens Life Insurance Company held as a reserve for the protection of policy holders insured by the Citizens Life Insurance Company of Huntsville, Alabama, which is now in the hands of the Receiver appointed by the District Court of the United States for the conservation of its assets and the administration thereof for the benefit of the policy holders and creditors of said Company. Therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That the sum of Four Thousand Four Hundred Twenty & 73/100 ($4,420.73) Dollars be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated to reimburse the Citizens Life Insurance Company of Huntsville, Alabama, for taxes erroneously overpaid the State of Alabama by the Southern Insurance Company, a Tennessee corporation, through and upon the demand of the Superintendent of Insurance and/or Department of Examiners of Accounts of the State of Alabama during the tax years 1926 and 1927, which sum became a part of the assets of the Citizens Life Insurance Company under its contract of reinsurance with the Southern Insurance Company.

Section 2. That said amount of Four Thousand Four Hundred Twenty & 73/100 ($4,420.73) Dollars shall be paid by the State Treasurer to the Receiver of the Citizens Life Insurance Company of Huntsville, Alabama, appointed by a decree of the District Court of the United States, on warrant to be drawn by the State Auditor upon the passage and approval of this act.

Approved August 4, 1931.

No. 602) (H. 751—Parker

AN ACT

To authorize appropriations for the support of the Public Schools out of funds in County Treasury, by the governing body of the several Counties.

Be it Enacted by the Legislature of Alabama:

Section 1. The Courts of County Commissioners or Boards of Revenue of the several Counties of Alabama are hereby authorized at any meeting of said Court in any Calendar year to appropriate any funds they may deem proper and expedient out of the general funds of the County Treasury for the support of the Public Schools within said county.

Section 2. Any appropriations heretofore made by a Court of County Commissioners or Board of Revenue or other like governing body of any funds for the support of the Public Schools of said County are hereby ratified.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

Section 4. If any Section of this Act shall be held to be invalid by any Court such holding shall not affect any other Section which is not in and of itself, unconstitutional.

Approved August 4, 1931.

No. 603) (H. 784—Kelly of Taladega

AN ACT

To regulate and provide for the military and naval forces of the State of Alabama and to promote the efficiency of these forces; to prescribe rules, regulations, and means for their organization, armament, equipment, and discipline, control, and supervision; to provide for their maintenance, support, and upkeep; to allocate, organize, equip, discipline, train and maintain these forces for State and National emergencies in compliance with the provisions of the National Defense Act and Federal Laws governing the Naval Militia; to provide means for the enforcement of this Act; to repeal all Code Sections and all Acts and parts of Acts inconsistent therewith; and to fix penalties and punishments for the violations of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS: For the purpose of this Act, the words "National Defense Act" shall be taken to mean an Act of the Congress entitled "An Act for Making Further and More Effectual Provisions for the National Defense and for Other Purposes" approved by the President of the United States, June 3, 1916, and any and all Acts that have been enacted and shall here-

after be enacted by the Congress of the United States amendatory thereof and supplementary thereto. The word "Company" as used in this Act shall apply to, and include, a Company of Infantry, Engineers, Signal Corps, a Battery of Field Artilery, a Troop of Cavalry, Ambulance Company, Hospital Company, and all other military units of any arm of the service corresponding in general organization to a Company of Infantry. The designation "Battalion" applies in a like manner to a Battalion of Infantry, a Squadron of Calvary, a Squadron of the Air Corps, and any other arm of the military service equal in organization and corresponding to a Battalion of Infantry, as the case may be, or so denominated by law. The word "Regiment" shall apply to any organization of any arm of the military service equal in organization to a Regiment of Infantry, as the case may be, or so denominated by law.

Section 2. COMPOSITION OF THE MILITIA: The Militia shall consist of all able-bodied male citizens of this State, and all other able-bodied males who have, or shall have declared their intention, to become citizens of the United States, who shall be more than eighteen years of age and residents of this State, and, except as hereinafter provided, not more than forty-five years of age, and said Militia shall be divided into the following classes: the National Guard (Active, Assigned and Unassigned Reserve and Retired), the Naval Militia and the Unorganized Militia.

Section 3. COMPOSITION OF THE NATIONAL GUARD: The National Guard of Alabama shall consist of the regularly enlisted Militia between the ages of eighteen and forty-five years, organized, armed, and equipped as hereinafter provided, and of Commissioned Officers and Warrant Officers between the ages of twenty-one and sixty-four years.

Section 4. COMPOSITION OF NAVAL MILITIA: The Naval Militia of Alabama shall consist of the regular enlisted Militia between the ages of eighteen and forty-five years, organized, armed, and equipped as hereinafter provided, and Commissioned Officers between the ages of twenty-one and sixty-four years; but enlisted men may continue in the service after the age of forty-five, and until the age of sixty-four years, provided the service is continuous.

Section 5. COMPOSITION OF UNORGANIZED MILITIA: The unorganized Militia shall consist of all able-bodied males as set out in Section **2**, above, except as may be included in Section **3** and Section **4**, and except such as may be exempted as hereinafter provided.

Section 6. EXEMPTION FROM MILITIA DUTY: The offices, judicial and executive, of the Government of the United States and the State of Alabama, persons in the military or naval service of the United States, custom house clerks, persons employed by the United States in the transmission of the mails, artisans and

workmen employed in the Armories, Arsenals and Navy Yards of the United States, pilots and marines actually employed in the sea service of any citizen or merchant within the United States shall be exempt from Militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holdings of such belief shall be established under such regulations as the President of the United States or the Governor of Alabama shall prescribe, shall be exempted from the Militia service in a combatant capacity but no person so exempted shall be exempt from Militia service in any capacity that the President of the United States or the Governor of Alabama shall declare to be non-combatant.

Section 7. MAINTENANCE OF OTHER TROOPS: In time of peace the State shall maintain only such troops as may be authorized by the President of the United States, but nothing in this Act shall be construed as limiting the rights of the State in the use of the National Guard within its boundaries in time of peace, and nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary.

Section 8. TEMPORARY MILITARY FORCE: In the event of all or part of the National Guard of Alabama being called, drafted, or ordered into the service of the United States, the Governor is hereby authorized to organize, equip, train, and maintain, only during periods when the National Guard of Alabama is in the Federal service, at such strength and in such organizations and branches of the service as he may deem advisable, a temporary military force similar to the National Guard and organized for the same State purposes, and, if authorized by Federal Laws, shall be organized, maintained, and trained under the provisions of the National Defense Act now or hereafter enacted for the organization, maintenance, and training of the National Guard: Provided; That, such organization shall be disbanded and discharged from the service of the State on the release or discharge of the National Guard of Alabama from the Federal service and return to its National Guard status: And, Provided Further; That, no person shall be commissioned or enlisted in the organization provided for in this Section unless he is among those who are classed as eligible for, or capable of, limited military service *only*, under a Federal Selective Service, or similar Act, because of physical disability or other disqualifying conditions.

Section 9. Regular military appropriations made for the purpose of recruiting, organizing, and maintaining the National Guard of Alabama shall be available during periods when the National Guard is in the Federal service under a call, draft, or similar Federal order, for the purpose of recruiting, organizing, and maintaining the temporary military force authorized in Section 8 of this Act.

Section 10. Special military appropriations made for the purpose of paying costs incident to emergency State military service employing the National Guard of Alabama shall be made available for paying the expenses of emergency State military service of the temporary military force authorized in Section 8, during periods when the National Guard of Alabama is in the Federal service under a call, draft, or similar Federal order.

Section 11. EXEMPTION FROM POLL TAX, STREET TAX AND JURY DUTY: Owing to liability to call for military duty during the term of service, every officer and enlisted man of the National Guard and Naval Militia of Alabama shall be exempt from poll tax, road duty, street tax, and jury duty during his active membership, any local or special laws to the contrary notwithstanding. The Commanding Officer of any company, troop, battery, or any similar organization, shall furnish each member of his command, applying for same, such certificate of membership as may be prescribed by the Adjutant General, signed by such Commanding Officer, which certificate shall be accepted by any court as proof of exemption as provided by this law. Such certificate shall be revoked and no certificate shall be issued in cases where the holder or applicant has been absent from four consecutive ordered formations immediately preceding the date of request for certificate, or in the case of an officer, if he has not performed the duty required for Armory drill pay, without satisfactory excuse for failure to do so, and shall be good only for the calendar month within which it bears date. The Commanding Officer of a Division, Brigade, Regiment, or separate Battallion shall issue similar certificates under similar conditions to each of his Field Officers, commissioned and enlisted staff, and the Adjutant General, with the approval of the Governor, shall issue similar certificates to each General Officer of the Alabama National Guard, and to each Regimental Commander not in the Brigade or Division of a General Officer of the Line of the Alabama National Guard, and to each Commissioned Officer, Warrant Officer, and the enlisted members of the National Guard of Alabama, who is a member of the staff of a National Guard Officer of another State, but who, because of joint interest in an Inter-State Military Organization, has been approved, for the office which he holds, by this State.

Section 12. LEAVES OF ABSENCE FOR STATE EMPLOYEES: All officers and employees of the State of Alabama, who shall be members of the National Guard or Naval Militia of Alabama, shall be entitled to leave of absence from their respective civil duties without loss of pay, time, or efficiency rating on all days during which they shall be engaged in field or coast defense, or other training or service ordered under the provisions of this Act. Provided; that leaves of absence with pay, granted under

the provisions of this Section, shall not exceed eighteen days at any one time.

Section 13. SERVICE IN THE UNITED STATES ARMY SHALL BE CONSIDERED SERVICE IN THE NATIONAL GUARD: Service in the National Guard or Naval Militia of Alabama when called, drafted, or ordered into the service of the United States shall be considered as equivalent service in the Alabama National Guard or Naval Militia for any and all State purposes regarding privileges, honors, pay, allowances, and exemptions provided by law for members of the National Guard and Naval Militia of Alabama.

Section 14. BONDS FOR OFFICERS RESPONSIBLE FOR PUBLIC PROPERTY OR MONEY: Any officer to whom public or military property is issued at any time, or to whom any public money is paid, or who disburses any such funds, shall be required to give bond in a Surety Company, conditioned faithfully to perform the duties of his office; to use all care in the safekeeping of military stores and property committed to his custody, to account for the same, and to deliver to his successor, or to any other person authorized to receive the same, all such military property, and to properly account for all public money received by him, and for all public money disbursed; the bonds to be approved by the Adjutant General, and the premiums thereon to be paid by the State: Provided; That no officer shall be held liable for loss of public money deposited in any State or National Bank, said loss being occasioned by reason of failure of such bank or the forfeiture of its charter. This provision shall be retroactive in all cases recommended by the State Military Advisory Board and approved by the Governor.

Section 15. LIABILITY OF BONDED OFFICERS FOR LOSSES: No Commissioned Officer, or other person giving bond for the safekeeping of military arms or other public or military property, is to be held liable for loss by fire, riot, or insurrection or other casualty of the service, unless held liable by a Board of Survey or a Surveying Officer who shall be appointed by, and whose findings shall be approved by, the Governor.

Section 16. DEPOSITORIES OR ARSENALS: The Governor shall, when necessary, designate a depository, or depositories, for the undistributed military property of the State, or in the custody of the State, which depository, or depositories, shall be maintained at the expense of the State: Provided; That, the Governor may build, rebuild, or enlarge, and maintain out of unexpended regular military appropriations of the State a centrally located depository, arsenal, or military warehouse, for the purposes named in this Section: And, Provided Further; That balances of the regular military appropriation, not otherwise approved for disbursement for other purposes, may be, if approved by the Commander

in Chief, at the end of each fiscal year, converted into the Treasury as an addition to such sums as may be appropriated for the purpose of building Armories for units of the National Guard and Naval Militia of Alabama.

Section 17. EXPENSES OF OFFICERS AND OTHER PERSONS WHILE TRAVELING UNDER MILITARY ORDERS TO BE PAID: Any officer or enlisted man of the National Guard or the Naval Militia of Alabama, or the United States Army, or the United States Navy, detailed for duty with the National Guard or Naval Militia of this State, traveling on military or naval business in obedience to orders of the Governor, may be paid all actual necessary expenses incurred in the performance of such duty, and the Governor shall prescribe all rules and regulations for the presentation, verification, and payment of all expenses authorized by this Act, and upon his direction, in writing, the State Auditor shall draw a warrant in favor of such person for the amount of such expenses. In cases where the per diem pay of the grade of the officer or enlisted man is allowed, it shall be so stated in orders.

Section 18. PROTECTION OF THE UNIFORM: It shall be unlawful for any person not an officer, warrant officer, or enlisted man of the United States Army, Navy, or Marine Corps to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of the uniform, or a uniform any part of which is similar to a distinctive part of the uniform of the United States Army, Navy, or Marine Corps, within the boundaries of the State of Alabama: Provided; That, the foregoing provisions shall not be construed so as to prevent officers or enlisted men of the National Guard and Naval Militia from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard or Naval Militia; nor to prevent members of the Naval Militia, or such other organizations as the Secretary of War and the Secretary of the Navy shall designate, from wearing the prescribed uniform; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, regular or volunteer, and whose most recent service was terminated by an honorable discharge, muster-out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they held by brevet or other commission in such regular or volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, regular or volunteer, from wearing his uniform from the place of his discharge to his home within three months after his discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, regular or volunteer, from wearing, upon occasions of ceremony, the uni-

form duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State University, State College, or public high school, offering a regular course in military instruction, from wearing the uniform duly prescribed by the authorities of such University, College, or public high school, or for wear by instructors or members of such military schools; nor to prevent the instructors or members of a duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by such instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized by the military or naval authorities of the United States from wearing, while in attendance upon such course, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in a moving picture film while actually engaged in portraying thereon a military or naval character not tending to bring discredit upon the United States Army, Navy, or Marine Corps: Provided Further; That, the uniform worn by officers and enlisted men of the National Guard, or by members of the military societies, or the instructors and members of the cadet corps referred to in the preceding proviso, shall include the distinctive mark or insignia prescribed by the Secretary of War to distinguish such uniforms from the uniform of the United States Army, Navy, or Marine Corps: And Provided Further; That, the members of the military societies and the instructors and members of the cadet corps, hereinbefore mentioned, shall not wear the insignia or rank prescribed to be worn by the officers of the United States Army, Navy, or Marine Corps, or insignia of rank similar thereto: And, Provided Further; That, nothing in this Act shall prohibit the uniform rank of fraternal societies parading or traveling in a body or assembling in a lodge room: Provided Further; That, whenever the National Guard, or a part thereof, is in active service, no fraternal organization, or members thereof, shall parade or appear in uniform in the locality where said National Guard is in service: And, Provided Further; That, this Section shall not apply to Cadets or Boy Scouts. Any person who offends against the provisions of this Section is guilty of a misdemeanor, and, if found guilty of such offense, shall be punished by a fine of not less than ten nor more than two hundred and fifty dollars, or by imprison-

ment in the county jail for not exceeding sixty days, or by both such fine and imprisonment.

Section 19. UNIFORM NOT TO BE DISCRIMINATED AGAINST: That any proprietor, manager, or employee of any theater or any public place of entertainment or amusement within this State, who discriminates against any person lawfully wearing the uniform of any branch of the military or naval service of the United States, or the State of Alabama, *because of that uniform* shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed fifty dollars.

Section 20. PROTECTING TROOPS WHILE AT DRILL OR IN ACTIVE MILTARY SERVICE FROM DISLOYAL OR INSULTNGING REMARKS: When troops of any branch of the military or naval service of the United States or the State of Alabama are at drill in their respective Armories, on the streets, public roads, or other places where such drills are conducted, or while going to or returning from such duty, or when they are performing other duties required of them by the United States or the State of Alabama, it shall be unlawful for any person to make any disloyal or insulting remark, either to or about said troops, or to make any sign, motion, or gesture calculated to insult or humiliate said troops *because of their being in such service,* and any person guilty of making any such disloyal remark or of making any such sign, motion, or gesture for the purpose and in the manner aforesaid, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than fifty dollars.

Section 21. ARMS AND EQUIPMENTS TO BE DEPOSITED IN ARMORIES: All arms, equipment, and ordnance stores, which shall be furnished to the several commands under the provisions of this Act, shall be deposited in the Armories or Headquarters of said commands for safekeeping.

Section 22. CARE OF EQUIPMENTS AND ARMS BY OFFICERS: All Commissioned Officers of the National Guard and Naval Militia of this State shall exercise the strictest care and vigilance for the preservation of the equipments, arms, and uniforms and military property furnished to their several commands under the provisions of this Act; and in case of any loss thereof, or damage thereto, by reason of the neglect or default of any such officer to exercise such care and vigilance, he shall be liable to trial by court-martial for neglect of duty.

Section 23. OFFICERS ACCOUNTABLE AND RESPONSIBLE FOR MILITARY PROPERTY: Any officer receiving public property for military use shall be accountable and responsible for the articles so received by him, and he shall not transfer such property, or any portion thereof, to another, either as a loan or permanently, without the authority of the Adjutant General; and he shall be liable to make good to the State all such property

defaced, injured, destroyed, or lost by any neglect or default on his part, to be recovered in an action to be instituted by the Attorney General of the State, at the request of the Adjutant General, in the name of the State.

Section 24. ON MUSTER OUT OF COMPANY OFFICERS TO RETURN PROPERTY TO THE STATE: Upon the disbandment of any organization which has received arms, equipments or stores from the State in accordance with the provisions of this Act, the Commissioned Officers of such organization shall be responsible for the safe return to the custody of the Adjutant General of all public property in possession of said organization, and for any loss or damage thereto, compensation shall be obtained from the officer responsible for such property in the manner provided in the preceding Section.

Section 25. MILITARY PROPERTY NOT TO BE USED FOR PRIVATE PURPOSES: No officer or enlisted man shall use, except upon military duty or by special permission of his Commanding Officer, any articles of military property belonging to the United States or to the State of Alabama, and upon the use of such property for private purposes, without legal authority, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars and not more than one hundred dollars.

Section 26. WEARING UNIFORM WHILE NOT ON DUTY: Any member of the National Guard or Naval Militia of Alabama who shall wear the uniform or equipment, or any part or articles of uniform or equipment, issued by the United States, or owned by the State of Alabama, while not on duty, without authority, shall be punished as a court-martial shall direct.

Section 27. OFFICERS AND ENLISTED MEN PERSONALLY LIABLE FOR MILITARY PROPERTY: Every officer and enlisted man to whom any articles of military property is delivered, in pursuance of the provisions of this Act, shall be held personally responsible for its care, safe-keeping and return. He shall use the same for military purposes only, and upon receiving discharge, or otherwise leaving the military service, or upon demand of his Commanding Officer, shall forthwith surrender and deliver up the said property to the said Commanding Officer in as good order and condition as the same was at the time of receiving it, reasonable use and ordinary wear thereof excepted.

Section 28. PUNISHMENT FOR INJURY TO MILITARY PROPERTY: Whoever shall wilfully or maliciously destroy, injury, or deface any arms or articles of military property belonging to the United States, or the State of Alabama, shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be fined not exceeding double the value of the property so injured or defaced, or, at the discretion of the jury, be imprisoned in jail not less than two weeks or more than two months, either or both.

Section 29. SEIZURE OF ILLEGALLY POSSESSED MILITARY PROPERTY: The Clothes, arms, accoutrements, and military property of every character furnished by, or through, the State to any member of the Militia, shall not be sold, bartered, loaned, exchanged, pledged, or given away; and no person not a member of the military or naval forces of this State or the United States, or duly authorized agent of this State or the United States, who has possession of such clothes, arms, accoutrements, and military equipment so furnished, and which have been the subject of any such unlawful disposition, shall have any right, title, or interest therein, but the same shall be seized and taken wherever found by any civil or military officer of the State, and shall thereupon be delivered to any Commanding Officer, or other officer authorized to receive the same, who shall make an immediate report to the Adjutant General. The possession of any such clothes, arms, accoutrements, and military equipments by any person not a member of the military and naval forces of this State, or any other State, or the United States, shall be presumptive evidence of such sale, barter, loan, exchange, pledge, or gift.

Section 30. RETAINING PROPERTY: Any person who sells, purchases, retains, or has in his possession or custody, without right, any military property belonging to this State or the United States, or any organization or headquarters of the National Guard or Naval Militia of this State, and who, after proper demand, refuses to deliver the same to any officer entitled to take possession thereof, is guilty of a misdemeanor; and any person belonging to the Militia of Alabama, who, contrary to the order of the proper officer, retains in his possession or control any military property of the State or the United States, is guilty of a misdemeanor; and any Commanding Officer may take possession of such military property mentioned in this Section, wherever the same may be found, and, upon conviction of either such misdemeanor, shall be fined a sum equal to double the value of the articles in question.

Section 31. SELLING OR PAWNING PROPERTY FURNISHED: Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge, or receive in pawn or pledge, or buy any of the arms, uniforms, or equipments, the property of the United States or the State of Alabama, knowing or having reason to believe the same to be property of the United States or of the State of Alabama, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or both, at the discretion of the court.

Section 32. REPLACEMENT OF LOST OR DAMAGED PROPERTY: That whenever any military property issued to the Militia of the State shall have been lost, damaged, or destroyed,

and upon report of a disinterested Survey Officer of the Regular Army, Navy, or the Militia, it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable and responsible officer, warrant officer, or enlisted man, and the pay of such officer, warrant officer, and enlisted man, from both Federal and State funds, at any time accruing, may be stopped and applied to the payment of any such indebtedness until the same is discharged. That in addition thereto, any officer accountable or responsible for military property shall be liable on his bond to the State and the Property and Disbursing Officer, or Accounting Officer, for any lost, damaged, or destroyed property for which he is accountable and responsible.

Section 33. REPORTS CONCERNING MILITARY ARMS AND EQUIPMENT: Any officer, warrant officer, or enlisted man, or any other person, who fails to make any report required of him by law concerning public arms and other military equipments, funds appropriated for military purposes, must, on conviction, be fined not less than fifty dollars.

Section 34. NOTICE WHEN OFFICER IS UNABLE TO ACCOUNT FOR MONEY OR PROPERTY: SUIT TO RECOVER: Whenever it is ascertained by the Adjutant General of the State, or the United States Property and Disbursing Officer, or the State Property and Disbursing Officer of the National Guard of Alabama, that any officer of the National Guard or Naval Militia in unable properly to account for all the property and money for which he is accountable and responsible, he shall give immediate notice thereof to the Attorney General of the State for action against such officer and his bondsman, and the Attorney General is hereby authorized and required to bring such action.

Section 35. CUSTOM AND USAGE OF THE UNITED STATES ARMY AND NAVY: All matters relating to the organization, discipline, and government of the National Guard and Naval Militia, not otherwise provided by law or by regulations, shall be decided by the custom and usage of the United States Army and Navy, respectively.

Section 36. DISTRIBUTION OF MILITARY LAWS AND ARTICLES OF WAR: The Governor shall cause to be printed and distributed, whenever he may think it advisable, copies of the Military Laws of Alabama, and copies of the Articles of War prescribed by Congress for the Armies of the United States, and copies of the official registers, lists, and directories of the military and naval forces of the State, and furnish every Commissioned Officer of the Militia with one copy of each.

Section 37. HOLDING MILITARY OR NAVAL COMMISSION OR MEMBERSHIP IN NATIONAL GUARD OR NAVAL MILITIA SHALL NOT PREVENT A CITIZEN

FROM HOLDING CIVIL OFFICE: Any citizen of this State may accept and hold a commission or warrant in the Alabama National Guard or Naval Militia, or hold enlisted membership in the National Guard or Naval Militia, or a commission in the Officers' Reserve Corps of the Army of the United States, or Naval Reserve of the United States, without thereby vacating any civil office, position, or commission held by him; and the acceptance or holding of any such commission and receiving pay therefrom shall not constitute such holding of an office of privilege and trust under the Government of this State and of the United States as shall be incompatible with the holding of any civil office, legislative or judicial, or position or commission under the Government of this State.

Section 38. NATIONAL GUARD AND NAVAL MILITIA IN ANNUAL ENCAMPMENT AND ON ANNUAL CRUISE, RESPECTIVELY, RATIONS FURNISHED: Subject to the restrictions of the National Defense Act and Federal Laws governing the Naval Militia, the Governor may annually order into service the whole or such portion of the National Guard and Naval Militia of Alabama as he may deem proper; the period of such service to be fixed by the Governor subject to the restrictions mentioned above. When ordered into the service of the State, when rations are not furnished by the United States Government, the State shall furnish rations for the officers and men of the same quality as rations furnished the Regular Army and Navy, and pay such other expenses of said encampment or cruise as the Governor may deem proper, including the traveling expenses of officers and men incurred in obeying such orders, when such expenses are not paid by the Government of the United States.

Section 39. DEFINITION OF "IN THE ACTIVE MILITARY SERVICE OF THE STATE": The Militia ordered into the service of the State for the enforcement of the law, the preservation of the peace, or for the security of the rights or lives of citizens, or protection of property, in aid and relief of our citizens in disaster, or any similar duty, shall be deemed to be in the active military service of the State. Officers, Warrant Officers, and enlisted men employed under orders of the Governor in recruiting, making tours of instruction, inspection of troops, Armories, storehouses, camp sites, rifle ranges and military property, sitting on General, Special, and Summary Courts-Martial, and Deck Courts, Boards of Examination, Courts of Inquiry, or Boards of Officers, making and assisting in physical examinations, shall be deemed to be in the active military or naval service of the State when it is so specified in orders. Orders shall specify in every case if pay is to be allowed and what expenses incident to travel are authorized. In the discretion of the Governor, ordered Armory drills and other military exercise and training, and periods of annual field training ordered and authorized by competent authority, may, under such

rules and regulations as the State Military Advisory Board may prescribe and the Governor may approve, be construed as "In the Active Military Service of the State."

Section 40. EMERGENCY PURCHASES: No officer or member of the Militia of any class shall incur any expenses whatsoever to be paid by the State, except such expenses as are authorized in this Act, without first obtaining the consent of the Governor: Provided; That, in extreme emergencies, the Commanding Officer of any organization or detachment of the National Guard or Naval Militia of Alabama, in the active military service of the State, may hire, rent, or make purchases of, such necessities as are absolutely required for the immediate use and care of his command in the execution of the mission for which he is in the active military service of the State. A report of such action, containing statement of the articles hired, rented, or purchased, the price thereof, and the necessity therefor, shall be immediately forwarded, through channels, to the Adjutant General of the State, who shall forward such statement to the Governor with his recommendations.

Section 41. HIRE OF HORSES, MOTOR VEHICLES, OR OTHER NECESSARY TRANSPORTATION: The payment for the hire of horses for such officers and enlisted men as are required to be mounted, and for horses and motor vehicles necessary for batteries of Field Artillery, and for such horses, mules, and motor vehicles as may be required for Infantry units and for wagon transportation when in the active military service of this State, including camps of instruction, combined camps, practice marches, parades, maneuvers, and other exercises, when ordered by the Governor as Commander in Chief, or the Commanding Officer of a Regiment, a Squadron, or a Battalion, if not a part of a Regiment, when authorized by the Governor, shall, when bills for such hire are approved by the Governor as Commander in Chief, be paid out of the Regular or Special Military Appropriations, as may be appropriate, by the Auditor by warrant on the Treasurer.

Section 42. SALE OF LIQUORS PREVENTED IN OR NEAR CAMP: The Commanding Officer of any camp or garrison shall prevent the sale, or giving away, within said camp or station, or within one mile thereof, of any spiritous, vinous, or malt liquors. He may also use any portion of his command for the enforcement of the provisions of this Section, and to enforce proper sanitation within such limits, and he shall co-operate with all Federal, State, and local law enforcement agencies, both military and civil, in the enforcement of all Federal, State, or local laws enacted for the purpose of preventing the sale, or giving away, of spiritous, vinous, or malt liquors, and the enforcement of State and Federal Sanitary and Health Laws, within the limits prescribed in this Section.

Section 43. NATIONAL GUARD SERVICE MEDALS: Any officer, warrant officer, or enlisted man, who shall have faithfully served in the National Guard or Naval Militia for six consecutive years, shall have conferred upon him the right to wear a Service Medal, which shall be prescribed by the Governor, and furnished at the expense of the State: Provided; That, any officer, warrant officer, or enlisted man of the National Guard or Naval Militia of this State, shall have served an aggregate of thirty days in the active Military Service of the State, in the aid of civil authorities in upholding the law and preserving order, protecting lives and property, in the aid and relief of our citizens in disaster and other similar service, duly ordered by the Governor, shall have conferred upon him the right to wear a "Special Service Medal", which shall be prescribed by the Governor, and furnished at the expense of the State: Provided Further; That, any officer, warrant officer, or enlisted man of the National Guard or the Naval Militia of this State, who shall have faithfully served in the National Guard or Naval Militia of this State an aggregate of twenty-one years, shall have conferred upon him the right to wear a *"Veteran Service Medal"*, which shall be prescribed by the Governor, and furnished at the expense of the State: And, Provided Further; That, service in the organizations of the National Guard or Naval Militia called, drafted, or ordered into the service of the United States, shall be credited as active service in the National Guard or Naval Militia of this State for the purposes named in this Section, when the soldier or sailor is a member of the National Guard or Naval Militia on the date of Federal call, draft, or order, and that this provision shall be retro-active for service in the Great War in the period between April 6, 1917 to date of discharge from the United States service, in the case of each soldier or sailor: Provided; That, the Special Service Medal may be awarded for such special individual acts as the State Military Advisory Board may determine to be meritorious, and the Governor may approve, without regard to period of time involved or date of the act.

Section 44. WHEN OFFICERS, WARRANT OFFICERS, AND ENLISTED MEN MAY BE RETIRED: Whenever any officer, warrant officer, or enlisted man of the Alabama National Guard or Naval Militia has served ten years in the aggregate in the active National Guard or Naval Militia of Alabama, he may, upon application to the Governor, be retired, without pay or allowances, from active service and placed on the retired list in the highest grade attained during active service. When any officer has reached the age of sixty-two, he may, at the discretion of the Governor, be so retired and placed on the retired list. Whenever an officer has reached the age of sixty-four, he shall be retired and placed on the retired list. Officers, warrant officers, and enlisted men on the retired list may wear, on appropriate occasions, the

uniform prescribed for the highest grade attained by them during their active service. Any officer, warrant officer, or enlisted man, who has heretofore been honorably discharged after ten years active service, may be placed upon the retired list upon his own application.

Section 45. NATIONAL DEFENSE ACT AND FEDERAL NAVAL MILITIA LAWS: All provisions of the National Defense Act and Acts of the Congress governing the Naval Militia, not inconsistent with the Constitution of this State, are hereby declared to be a part of the Military and Naval laws of the State of Alabama, and the Governor of Alabama, as Commander in Chief, is hereby authorized and empowered to do and perform all Acts, and to make and publish such rules and regulations, and to organize and maintain the National Guard and the Naval Militia of Alabama in every respect up to the standards required by the laws of the United States now existing or which may hereinafter be enacted for the benefit of the National Guard and Naval Militia of the United States. That officers, warrant officers, and enlisted men of the National Guard and Naval Militia of Alabama, after being called, drafted, or ordered into the Federal Service, and discharged therefrom, shall revert to their original status, and shall resume their membership in the National Guard and Naval Militia, and continue to serve in the National Guard and Naval Militia until the date upon which their commission, warrant, or enlistments, entered into prior to the draft, call, or orders would have expired, if uninterrupted.

Section 46. LIMITED EXPENSES OF ORGANIZATIONS PAID BY STATE ON FEDERAL CALL, DRAFT, OR ORDER: Under the provisions of such rules and regulations as shall be approved by the Governor, and for a period of not more than five days, following the day of the call, draft, or order into the Service of the United States, the State of Alabama may pay, from the Special Military Appropriations of the State of Alabama, any expenses that are deemed wise and just by the Governor, and necessary to the immediate comfort and health of the members of the National Guard and Naval Militia of Alabama, when such expenses cannot be authorized and paid by the Federal Government.

Section 47. ALLOTTED BUT UNORGANIZED UNITS ON MOBILIZATION DAY: In order that the National Guard and Naval Militia of Alabama may be fully prepared for the prompt organization and mobilization of allotted but unorganized units, the stations of these units (companies, troops and batteries) shall be designated in counties that are stations of the organized, active units of the same Battalion or Regiment, or adjoining counties, a part of the military area of the Battalion or Regiment. The stations of each unit shall be selected with strict regard to its volunteer military man-power of the unit, should it have to be

expended to war strength. Provisional Commissioned Officers living, if practicable, in the same area may be selected, qualified, and given provisional commissions in proper grades and appropriate branches of the service. Provisional Commissioned Officers shall have the same physical, moral, and professional qualifications that are required of National Guard Officers and of Reserve Officers of the United States Army in the same grades and branches of the service, and shall have demonstrated their fitness for commission through examination by Board of Officers detailed by the same authority and conducted in the same manner as examinations for National Guard and Reserve Officers of the United States Army: Provided; That, Reserve Officers of the United States Army, in the proper grades and branches of the service, shall be eligible for appointment, without further examination, to the provisional commissions provided herein: And, Provided Further; That, Commissioned Officers for units at peace strength in times of peace shall be selected from the military area of the unit: Provided Further; That, additional officers for units at war strength may be appointed from the State at large: Provided Further; That, selected enlisted men may be provisionally enlisted and appointed to non-commissioned grades, in order that plans shall be made to expedite recruiting, organization, and mobilization.

Section 48. In event of a call, draft, or order into the Federal service under the provisions of the National Defense Act, the Governor may, for the purpose of pay only for personnel, order all or such part of the National Guard or Naval Militia of the State of Alabama, as shall be called, drafted, or ordered into the Federal service, into the active military service of the State for a period of not more than ten days, including the day of call, draft, or order; and this payment shall be made under such regulations as the Governor may prescribe within thirty days of the termination of the ten day period: Provided; That, on the termination of the National emergency, for a period of ten days previous to, and including, the day of demobilization or discharge from the Federal service, for the purpose of giving recognition for the services of those who were members of the National Guard or Naval Militia of Alabama on the day of call, draft, or order, and who served throughout the emergency, or were sooner discharged because of physical disability incurred in line of duty, the Governor may, for the purpose of pay only, order these classes of the Militia of the State of Alabama into the active military service of the State: Provided Further; That, those discharged with a thirty per cent, or higher, disability incurred in line of duty in the Federal service, and showing such a degree of disability on their discharge forms, shall be paid double the sum mentioned, and in case of death, this sum shall be paid to the nearest dependent relative. This compensation shall be paid within one hundred and twenty days after the date of demobiliza-

tion or discharge, or in case of death, within one hundred and twenty days after the date of the demobilization of the organization of the National Guard or Naval Militia of Alabama with which the soldier or sailor volunteered.

Section 49. ORGANIZATIONS TEMPORARILY IN THE UNITED STATES SERVICE TO RETAIN STATE DESIGNATION: During the absence of an organization of the National Guard or Naval Militia of Alabama in the service of the United States, its State designation shall not be given to a new organization.

Section 50. MILITARY ADVISORY BOARD, ITS DUTIES: A State Military Advisory Board shall be organized for the State of Alabama, consisting of *five* members. This Board shall be organized and its procedure shall be that of a Court of Inquiry organized under the provisions of the National Defense Act. The Board shall be composed of all active General Officers of the Line of the Alabama National Guard, and such additional number of the ranking Officers of the Line, in order of rank, in grades not lower than Major, as will cause the membership of the Board not to exceed the total of five, representing, as far as practical, the branches of the service in the State carrying the largest number of officers, warrant officers, and enlisted men: Provided; that, the Adjutant General of the State and the ranking Judge Advocate General of the Alabama National Guard shall be ex-officio members of the Board: And, Provided Further; That, the Adjutant General of the State shall not meet with the Board when the question concerning who-shall-be-the-Adjutant-General is to come up for disposition and recommendation to the Governor in case of a vacancy, or contemplated vacancy, in that office. Membership on this Board shall be coterminous with active service in the National Guard.

DUTIES OF THE STATE MILITARY ADVISORY BOARD: The State Military Advisory Board, co-operating with the Adjutant General of the State, shall constitute an advisory body to the Commander in Chief on military and naval matters pertaining to the State, and may advise concerning the necessary rules and regulations to be promulgated for the purpose of carrying out any military and naval policies and plans formulated and approved by the Governor. Among their duties shall be the selection of a nominee, under the provisions of this Act, who may be appointed by the Governor, and confirmed by the Senate, to fill the office of the Adjutant General of the State when a vacancy in that office occurs; and the selection of nominees, who are to be appointed by the Governor, for all Staff Offices allotted to the State, when the officers appointed to fill such offices are not members of the Staff of an officer commissioned in the Alabama National Guard. In case of a vacancy in the office of the Adjutant General of the State,

the Board shall select a nominee from among persons who have served for not less than six years in the active National Guard of the State, two years of which must have been in the Line, and who shall have attained a grade in the active National Guard of Alabama not lower than Major. In selecting nominees for Staff Offices to be presented to the Governor, as before mentioned in this Section, nominations shall be made from among those who have served in the active National Guard of the State for not less than three years, one year of which must have been in the Line; and who are on the State Register of Eligibles in a grade not lower than that authorized for the Staff Office to which the apopintment is to be made. Provided, That in the case of nominees for appointment in the Medical Department, the Judge Advocate General's Department and other Technical Branches of the Service, such Officers may be selected from the National Guard or the Officers' Reserve Corps of the United States Army. The Board shall act in an advisory capacity to the Adjutant General and the Governor in matters concerning the problems of providing Arsenals, Warehouses, Armories, and other buildings and grounds for military purposes for the State and for units of the National Guard and Naval Militia, and in suggesting ways and means for procuring, constructing, building, and providing maintenance funds for the same. They shall act in an advisory capacity to the Adjutant General in the formulation of such policies and plans as he may submit to them involving allotments, allocation, maintenance, administration, training, and discipline of the Militia of the State and any other matters that he may submit, including plans, ways and means of organizing and maintaining the National Guard Reserve; and plans for raising the National Guard to war strength in case of a National Crisis; and plans, way and means of aiding the State and the United States in the execution of any Selective Service or similar Act that may be enacted by the Federal Government to be put into effect in case of war. They may, if requested by the Adjutant General, co-operate with the Military Department in writing and promulgating all rules and regulations that may be written under the Constitution and the Military Acts of the State of Alabama, which articles, rules, and regulations, when approved by the Governor, shall be published to the National Guard and Naval Militia of the State, and shall have the force and effect of law.

MEETING OF BOARD, COMPENSATION OF MEMBERS: The State Military Advisory Board shall meet at such time as the Governor shall deem their services necessary for the transaction of such military business as may need their attention.

PAYMENT OF EXPENSES: The members of the State Military Advisory Board shall be paid five dollars ($5.00) per day while in actual attendance at meetings of the Board, and in addi-

tion thereto each member of the Board shall receive all necessary and actual transportation expenses, and a flat allowance of four dollars ($4.00) per day for all other expenses; the day beginning at midnight and fractions of a day counting as a full day for the purpose of making such per diem pay and allowances. All expenses and expenditures shall be paid out of the Regular Military Appropriations. A majority of said Board shall constitute a quorum for the transaction of the business, and the Board shall meet in the offices of the Military Department of the State or such other place in the State Capitol and at such times as may be designated by the Commander in Chief.

Section 51. REGULATIONS GOVERNING THE UNORGANIZED MILITIA: Whenever any part of the Unorganized Militia is ordered out for active military service, or other service which may be necessary in the discretion of the Governor, it shall be governed by the same rules and regulations, and be subject to the same penalties as the National Guard or Naval Militia.

Section 52. UNORGANIZED MILITIA ORDERED OUT FOR SERVICE: The Commander in Chief may, at any time, in order to execute the law, suppress riots or insurrection, or repel invasion, or for the purpose of aid and relief of our citizens in disaster, in addition to the National Guard, and National Guard Reserve, and the Naval Militia, order out the whole, or any part of, the Unorganized Militia. When the Militia of this State, or a part thereof, is called forth under the Constitution and Laws of the United States, or the Constitution and Laws of this State, the Governor shall first order out for service the National Guard or the Naval Militia, or such part thereof as may be necessary, and if the number available be insufficient, he may then order out such part of the Unorganized Militia as he may deem necessary.

Section 53. MANNER OF ORDERING OUT UNORGANIZED MILITIA: The Governor shall, when ordering out the Unorganized Militia, designate the number. He may order them out either by calling for volunteers or by draft. He may attach thereto the several organizations of the National Guard or Naval Militia, or organize them into separate Divisions, Brigades, Regiments, Battalions, Companies, or Detachment, as he may deem best for the service. He shall appoint the Commissioned Officers and Warrant Officers in the same manner as herein provided for the appointment of Officers and Warrant Officers of the National Guard and Naval Militia.

Section 54. DRAFT OF UNORGANIZED MILITIA: If the Unorganized Militia is ordered out by draft, the Governor shall designate the persons in each county or city to make the draft, and prescribe rules and regulations for conducting the same, and to conform as nearly as possible to the Selective Service machinery

that is now or may hereafter be provided for by the Government of the United States in a National Crisis.

Section 55. PUNISHMENTS FOR FAILURE TO APPEAR: Every member of the Militia ordered out for duty, or who shall volunteer or be drafted, who does not appear at the time and place ordered, shall be liable to such punishment as a court-martial may determine.

Section 56. COMMANDER IN CHIEF: The Governor of Alabama, or other person lawfully administering the duties of the office of the Governor of the State, shall be the Commander in Chief of all the military and naval forces of the State, except when they shall be called into the service of the United States, and he shall have the power to embody the Militia to repel invasion, suppress insurrection, and enforce the execution of the laws, but shall not command personally in the field unless advised to do so by resolution of the Legislature.

Section 57. POWERS OF THE GOVERNOR: The Governor of Alabama, as Commander in Chief, shall have the power, and is hereby authorized and directed, to alter, increase, divide, annex, consolidate, disband, organize or re-organize, any organization, department, corps, or staff, so as to conform as far as practicable to any organization, system, drill, instruction, corps, department, or staff, uniform or equipment, period of enlistment now or hereafter prescribed by the laws of the United States and rules and regulations promulgated thereunder by the Secretary of War for the organization, armament, training, and discipline of the Militia or National Guard, or by the Secretary of the Navy for the organization, armament, training, discipline of the Naval Militia. For that purpose the number of officers and enlisted men of any rank or grade in any organization, corps, department, or staff, may be increased or diminished, and the grade of such officers and enlisted men may be altered to the extent necessary to secure, as far as practicable, such conformity. Officers rendered surplus by either the disbandment, consolidation, or re-organization of their respective organizations, may be placed in the National Guard Reserve, at the sole discretion of the Governor as Commander in Chief. The Governor, as Commander in Chief, shall have the power, in case of war, invasion, or insurrection, riot, or imminent danger thereof, of the calling of all or any portion of the Militia of Alabama, into the active military service of the State, to increase the land and naval forces of this State, and of organizing the same in accordance with the existing rules and regulations governing the armies of the United States, or in accordance with such other system as the Governor may consider the exigency to require; and such organization and increase may be either pursuant to, or in advance of, any call, draft, or order of the President of the United States. The Governor shall have the power, in case of war, insur-

rection, invasion, tumult, or breach of the peace, or imminent danger thereof, to order into the active military service of the State any part of the Militia that he may deem proper. The Governor may authorize all or any part of the National Guard or Naval Militia to participate in any drill, parade, review, or other public exercise, or to serve for escort duty, and prescribe all regulations and requirements therefor, and such expenses incidental thereto as he may authorize, shall be paid as provided in this Act, as for the Militia in the active military service of the State. The Governor of Alabama is authorized and empowered to do and perform any and all acts, and to make and publish all such rules and regulations as he may deem necessary to effect organization and re-organization of the National Guard and Naval Militia of Alabama in conformity with the term of the National Defense Act and Federal Laws relating to the Naval Militia, including amendments to, and legislation supplementary thereof, and in conformity with all rules, regulations, and proclamations promulgated by the President of the United States or the Secretary of War, or the Secretary of the Navy, relating to the National Guard or the Naval Militia of this or the several States. The Governor of Alabama is hereby authorized and empowered to take all necessary steps to obtain all the appropriations, property, and equipments now or hereafter provided by the United States or authorized by law for the aid, benefit, equipment, instruction, and use of the National Guard or the Naval Militia of this or the several States.

Section 58. DISTRIBUTION OF ARMS AND EQUIPMENT: The Governor is authorized to receive and distribute, according to law, the quota of arms and military equipments which the State may receive from the Government of the United States under the provisions of any Acts of Congress providing for the arming and equipping of the National Guard.

Section 59. THE PERSONAL STAFF OF THE GOVERNOR: The personal staff of the Governor shall consist of the following officers to be appointed by him and commissioned by him with brevet rank holding office at his pleasure: eighteen officers with the rank of Lieutenant Colonel or Commander assigned as Aides de Camp or with honorary assignment to the several branches of the military and naval service of the State of Alabama, as may be his pleasure: Provided; That nothing in this Act shall prevent a member of the Governor's personal staff rrom holding a active or reserve commission in the National Guard or Naval Militia of Alabama, or a reserve commission in the Army, Navy, or Marine Corps of the United States under the provisions of the National Defense Act or Federal laws governing the Naval Militia or other Federal Military and Naval Laws now or hereafter enacted.

Section 60. GOVERNOR'S FLAG: There shall be a Governor's flag of the following design and specifications. A flag of the same colors, dimensions, proportions, and description, as prescribed for the flag of the State of Alabama. In addition thereto, there shall appear in the field in the upper angle formed by the arms of the St. Andrew's cross, and coat of arms of the State of Alabama, and in the field in the lower angle formed by the arms of St. Andrew's cross, there shall appear the military crest of the State of Alabama: Provided; That a Governor's flag may be purchased out of the regular military appropriations of the State for each Governor, and should he or his heirs so desire, the flag shall become his personal property or the property of his family at the expiration of his term of office, or at his death, should he die before his term of office is completed.

Section 61. OFFICERS, STATE STAFF CORPS AND DEPARTMENTS: The officers of the State Staff Corps and Departments, other than the Adjutant General of the State, shall be selected from the Register of Eligibles, by the Adjutant General, and approved, appointed, and commissioned by the Governor. Warrant officers and enlisted men of the State Detachment shall be selected and recruited by their respective chiefs, subject to the approval of th Adjutant General.

Section 62. COMPLIANCE WITH FEDERAL REQUIREMENTS RELATING TO OFFICERS OF STATE STAFF: That hereafter no appointments shall be made of any State Staff Officers, including those employed in the Military Department of the State, and including officers of the Adjutant General's Department, Pay Department, Inspector General Department, Judge Advocate General's Department, Ordnance Department, Quartermaster Corps, Medical Corps, unless such appointees shall have had previous military experience, and have demonstrated by actual and extended military service, or records of achievement in their civil life professions, or both, that they are qualified for the duties and responsibilities of the office for which they may be appointed, and they shall hold appointments until they have reached the age of sixy-four years, unless relieved prior to that time by reason of resignation, disability, or other cause or condition provided for in this Act, or for cause to be determined by court-martial regularly convening for that purpose. Vacancies among such offices shall hereafter be filled by appointment from the officers of the National Guard and Naval Militia of the State, who have complied with the requirements for commissions set out in this Act, and have demonstrated their professional, moral, and physical fitness for the office in question by having passed the examinations required for eligibility for a commission in the grade and branch of the service required by the Staff position: Provided; That, nothing in this Section shall be construed or operate to limit the provision of any

Federal law relative to the qualifications for appointment of officers or the filling of vacancies: Provided Further; That, civil political activities of any nature, other than voting, on the part of any full time military or civil employee of the Military Department of the State in the interest of any candidate for civil office in the State shall be construed *as cause* for removal from office or discharge from the employment of the Military Department of the State.

Section 63. SALARIED MILITARY EMPLOYEES NOT ENTITLED TO ADDITIONAL PAY: Officers, Warrant Officers, and enlisted men of the National Guard or Naval Militia employed in the Military Department of the State, and who receives monthly salaries from the State for Military duties, shall not be entitled to any other pay from the State for State military service of any character: Provided; That, the provisions of this Section shall not prohibit any officer, Warrant Officer, or enlisted man of the National Guard or Naval Militia from receiving pay from the United States for participation in maneuvers, camp, schools of instruction, field service, or other Federal military or naval service or duty.

Section 64. STATE MILITARY DEPARTMENT IN TIME OF WAR: All members of the Federally recognized State Staff Corps and Departments, who are full time military employees of the State, and such other members of the State Staff as the Governor may deem necessary, shall, if provided by Federal Military Laws now or hereafter enacted, when the National Guard and Naval Militia are called, drafted, or ordered into the Federal service in case of a National Crisis, be assigned to duty in the State in connection with the execution of any National Selective Service Act, the National Defense Act, or any similar Federal laws enacted for the purpose of inducting the man power of this State and of the Nation into the military, naval, or other similar emergency service of the United States.

Section 65. ADMINISTRATIVE STAFF: The Adjutant General of the State: There shall be an Adjutant General of the State, who shall be appointed by the Governor, with the advice and consent of the Senate. He shall be commissioned as an officer in the Adjutant General's Department, State Staff, National Guard of Alabama, as provided in Section **62** of this Act, and may have such rank as is now or may hereafter be provided for an officer of the State Staff, Adjutant General's Department, under the provisions of the National Defense Act and regulations written thereunder. He shall be appointed from among officers who have served on the active list of the National Guard of Alabama for not less than six years, two years of which must have been in the line, and who shall have attained a grade in the active National Guard of Alabama not lower than Captain. He shall not be removed from office except for cause as provided by the Mili-

tary Laws of the State of Alabama: Provided; That, the term of service of the Adjutant General holding office on the date of passage of this Act, shall terminate four years from the date of approval of this Act and he may be re-appointed. The Adjutant General of the State shall be in direct charge of the military and naval affairs of the State and shall be responsible to the Governor and Commander in Chief for the proper performance of his duties. All the powers conferred and duties imposed by law upon the Adjutant General shall be exercised or performed by him under the direction and control of the Governor. The Adjutant General shall be Chief of the State Staff and Ex Officio Chief of the Governor's Personal Staff and all Staff Departments, Staff Corps, and similar military and naval agencies of the State of Alabama. He shall supervise the receipt, preservation, repair, distribution, issue, and collection of all arms, military equipment, and stores of the State and of the United States. He shall supervise all troops, arms, and branches of the Militia, such supervisory powers covering primarily all duties pertaining to the organization, armament, discipline, training, recruiting, inspecting, instructing, pay, subsistence and supplies: he shall maintain a roster of all the officers and men of the National Guard and Naval Militia of the State, and keep on file in his office copies of all orders, reports, and communications received and issued by the Military Department of the State in its several branches and sections. He shall, from time to time, cause the laws, and all State regulations that may be written thereunder, to be printed and bound, and distributed, at the expense of the State. He shall cause to be prepared and furnished to each organization, and such individual officers as may require them, necessary blank forms, books, and stationary at the expense of the State; such expense to be paid in the same manner as other State printing is paid. The Adjutant General shall, from time to time, prepare and publish, by order of the Governor, such orders, rules, and regulations consistent with the law as are necessary to bring the organization, armament, equipment, training, and discipline of the various classes of the Militia of Alabama to a state of efficiency as nearly as possible to that of the United States Army and Navy, and such rules and regulations as may be required to have the organization, armament, equipment, training, and discipline of the National Guard and Naval Militia of Alabama conform to that prescribed by laws of the United States now existing or which may hereafter be enacted with reference to the National Guard and Naval Militia of Alabama, or the orders and regulations of the War and Navy Departments insofar as they may apply to the National Guard and Naval Militia of Alabama; and he shall attest all orders of the Commander in Chief relating to the several classes of the Militia. He shall prepare such reports and returns as the Secretary of War or the Secretary of the Navy of the United States may prescribe and require.

He shall perform such other duties as may be required of him by the Commander in Chief, and the State Auditor shall draw warrant on the State Treasurer for all expenses incurred under this Section on bills regularly presented to, and approved by, the Governor. It shall be the duty of the Adjutant General, if ordered by the Governor, to visit and inspect each company, troop, and battery at least once a year, and to report to the Commander in Chief the condition of Armories and other military buildings and properties, and of the arms, equipments, and personnel of said organizations, and make such recommendations as he thinks proper in regard thereto: Provided; That the Adjutant General may designate members of the State Staff, or Field Officers of the National Guard, as Inspecting Officers for the purposes in question. The Adjutant General shall assist all persons residing in the State of Alabama, and residents of other States, or any other person having had former military connections or associations with the State, having claims against the State or the Untied States for compensation, pension, retired pay, bounty or back pay, or service medals and decorations awarded by the United States, or the State of Alabama, where such claims and requests have arisen out of, or by reason of, service in any of the wars or insurrections concerning the United States or the State of Alabama. He shall furnish to claimants, or their accredited representatives, or assist them in procuring, all necessary certificates and certified abstracts from the records and documents in the Military Department and other Departments of the State or the United States: Provided; That, any or all of these services shall be rendered without charge to the claimant. The Adjutant General shall have a seal of office, to be approved by the Commander in Chief, and all copies of papers in his office duly certified and authenticated under the said seal shall be evidence in all cases in like manner as if the original were produced.

DUTIES OF THE ADJUTANT GENERAL IN CASE OF A NATIONAL CRISIS WHEN A NATIONAL SELECTIVE SERVICE OR SIMILAR LAW WOULD BE OPERATIVE IN THE STATE: He shall be qualified for commission and shall be commissioned, if authorized by the laws of the United States now and hereafter enacted, in the Adjutant General's Department or such other Department, Corps, or branch of the service as will enable him to perform all duties required of him within the State by the National Defense Act, a Federal Draft, Selective Service, or similar act, which is to be operative in a National Emergency. He shall a military status in this State, if provided by the laws of the United States, now or hereafter enacted, during periods in which the National Guard of Alabama is in the Federal service under a call, draft, order, or other means of induction into the Federal military or naval service, that will enable him to work in an advisory capacity, or other capacity, to the Governor or to a

State Draft Executive, or other civil or military officer performing such duties in the execution of a Federal Selective Service or similar law. He shall, if authorized by the laws of the United States now or hereafter enacted, during periods in which the National Guard of Alabama is in the Federal service, under a call, draft, or order, perform the duties of Provost Marshall or Acting State Adjutant General, and in the performance of such duties shall be entitled to all allowances and to reimbursement for all expenses incident to the performance of his duties as Provost Marshall or Acting Adjutant General provided in State Military Laws: Provided; That, he shall not receive a State salary while in the active service of the United States and receiving a Federal salary for such service. He shall, if called, drafted, or ordered into the Federal service, on discharge therefrom, revert to his State military status and such Federal military status as may now or hereafter be provided by the military laws of the United States governing the National Guard, on the day, following the day, of his discharge from the active military service of the United States.

EMPLOYEES IN THE MILITARY DEPARTMENT OF THE STATE: He may have to assist him in the performance of his duties, and as heads of departments, corps, and other branches of the service in the State Staff Corps and departments, and as employees in the several departments, corps, or branches of service in the State Staff, the following full time military and civil employees of the State; not more than six employees who shall be members of the active National Guard of Alabama in the State Staff Corps and Departments as prescribed by the National Defense Act and regulations written thereunder, and who shall have, unless otherwise provided in this Section, not less than three years service in the National Guard or Naval Militia of Alabama, and not more than three stenographers and clerks. The clerks and stenographers may be either civil or military employees of the State Military Department. The employee performing the duties of the United States Property and Disbursing Officer shall have had at least three years active service in the National Guard of Alabama, and shall have reached the grade of Captain or higher. The Employee performing the duties of State Property and Disbursing Officer shall have had at least three years active service in the National Guard of Alabama, and shall have reached the grade of First Lieutenant or higher. In filling vacancies that may occur on the State Staff among persons who are full time employees in the Military Department of the State, persons shall be appointed by the Adjutant General, with the approval of the Governor, from the State Military Register of Eligibles for the grade required by this act and all other State Staff Officers from among those who are on the State Register of Eligibles for the grade required in the organization of the State Staff Corps and Departments, and who

have had not less than three years service in the National Guard or Naval Militia of Alabama. All employees shall be assigned to duties by the Adjutant General, with the approval of the Governor, in such departments, corps, or branch of the service in the State Staff in the full time Military Department of the State as will best serve the interests of the State and the United States. All employees of the Military Department of the State shall be active officers or enlisted men of the State Staff Corps and Departments: Provided; That, this may not apply to the three stenographers and clerks; Provided Further; That, should there not be available among present or former members of the National Guard or Naval Militia of this State, persons possessed of the necessary qualifications for the performance of the duties of the offices or positions provided for in this Section, in the full time Military Department of the State, then the Adjutant General, with the approval of the Governor, may select and appoint, to the office provided, persons who are citizens of the State and who are active members of the Officers' Reserve Corps of the United States Army, who have had the same length of service in the same grades in the Reserve Corps of the United States Army as required of present and former members of the Alabama National Guard.

Section 66. Salaries as follows shall be paid the full time military employees and stenographers and clerks in the Military Department of the State: (a) The Adjutant General shall receive a salary of four thousand Dollars ($4,000.00) per annum. (b) One employee performing the duties of the United States Property and Disbursing Officer shall be paid an annual salary not exceeding thirty-five hundred dollars ($3,500.00) per annum: Provided; That, the annual or monthly salary paid the United States Property and Disbursing Officer by the United States Government shall be deducted from this thirty-five hundred dollars in fixing the annual and monthly State pay of this employee. (c) One employee performing the duties of State Property and Disbursing Officer shall receive a salary not exceeding twenty-four hundred dollars ($2,400.00) per annum. (d) One employee performing the duties of Disbursing Officer, as an assistant to the United States Property and Disbursing Officer, shall receive a salary not exceeding twenty-four hundred dollars ($2,400.00) per annum. (e) One employee performing the duties of Property Officer, as an assistant to the United States Property and Disbursing Officer, shall receive a salary not exceeding twenty-four hundred dollars ($2,400.00) per annum. (f) One employee performing the duties of Finance and Property Clerk shall receive a salary not exceeding fifteen hundred dollars ($1,500.00) per annum. (g) One employee performing the duties of Personnel Clerk and assistant to the State Property and Disbursing Officer shall receive a salary not exceeding fifteen hundred dollars ($1,500.00) per annum. (h) Not more than three clerks and stenog-

raphers for duty in the Military Department of the State shall receive salaries not exceeding twelve hundred dollars ($1,200.00) per annum each. The salaries provided in this Section shall be continuous from year to year unless, and until, changed by an Act of the Legislature following the date of approval of this Act. All salaries herein provided shall be paid monthly in the same manner as the salaries of other States officials are paid. Regular military appropriations made for the purpose of paying salaries of the full time personnel of the Military Department of the State, for the maintenance of the Military Department of the State, and the recruiting, organization, and maintenance of the National Guard and Naval Militia of the State, and for other military purposes, shall be made at such time and in the same manner as appropriations are made for the organization, development, and maintenance of other State Departments, institutions, and public activities: Provided; That, the services of civil employees of the full time Military Department of the State shall be continuous unless removed because of inefficiency, lack of moral character, and disloyalty, under such regulations as may be approved by the Governor.

Section 67. QUADRENNIAL AND OTHER REPORTS MADE BY THE ADJUTANT GENERAL TO THE GOVERNOR: A Quadrennial Report shall be made to the Governor by the Adjutant Gentral on or before December the first of the year preceding the end of the term of office of the Governor. This report shall embody all the information required in the report herein provided for and to be made to the Governor ten days before each session of the Legislature, and such other information as may be of interest and value to the land and naval force of the State and the Public. This report shall be printed and bound, and the expenses incident thereto shall be paid out of the regular military appropriations. The Adjutant General shall, ten days before each session of the Legislature, report to the Governor the number and condition of the National Guard and Naval Militia of Alabama, and the quantity and condition of all arms and military properties belonging to the State, or in the custody of the State, and shall transmit to the Governor, at said time, a detailed report of all funds and monies received and disbursed by his Department. He shall also make such recommendations as to needed Legislation as he may deem advisable.

Section 68. BONDS FOR THE ADJUTANT GENERAL AND OTHER EMPLOYEES OF THE MILITARY DEPARTMENT OF THE STATE: The Adjutant General and such other employees of the Military Department of the State who handle State or United States property or State or United States funds, including the United States Property and Disbursing Officer and the State Property and Disbursing Officer, shall give bond in a Surety Company in such amounts as may be required by the State and the United States; the bonds to be approved by the Governor, and the

premiums to be paid by the State, the condition of the bonds to be as required by the State and the United States.

Section 69. OFFICE ROOMS, EXPENSES AND FURNITURE FOR STATE MILITARY DEPARTMENT: The Governor shall assign to the Adjutant General suitable offices and rooms for conducting therein the business of the Military Department of the State, and this Department shall be furnished furniture, stationery, postage, lights, heat, and telegraph and telephone service, and other proper and necessary conveniences, and emergency clerical assistants, in the same manner and ways as is or may hereafter be provided and furnished to other State Departments.

Section 70. BOOKS, ACCOUNTS AND VOUCHERS TO BE AUDITED: The books, accounts, and vouchers of the Adjutant General and all other officers of the National Guard of Alabama, handling State or United States military property, or State and United States military funds, shall be audited, upon the direction of the Governor, in the same manner and under the same conditions as accounts and funds of other State officers are audited.

Section 71. ORGANIZATION OF NATIONAL GUARD UNITS: Except as otherwise specifically provided by the Laws of the United States, the organization of the National Guard of Alabama, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. Enlistments, re-inlistments, discharges, and transfers of enlisted men, appointment and reduction of non-commissioned officers shall be accomplished as now or hereafter provided under the National Defense Act and Regulations written thereunder.

Section 72. LOCATION OF UNITS: The location of units shall, when not otherwise prescribed by Federal law, be fixed by the Governor on the recommendation of the Adjutant General, and shall be determined by allocating Battalions and Regiments in definitely defined geographic areas composed of adjacent counties.

Section 73. NATIONAL GUARD RESERVE: A National Guard Reserve may be organized and maintained under such rules and regulations as may be prescribed in accordance with Federal law.

Section 74. PLAN OF ORGANIZATION OR RE-ORGANIZATION OF A UNIT, NATIONAL GUARD OR NAVAL MILITIA: That upon the application of the number of citizens qualified for military service that is required in National Guard Tables of Organization, Peace Maintenance Strength, including the names of the proposed officers at the head of a list of applicants, addressed to the Adjutant General, setting forth the residences of the petitioners, stating that they are between the ages of eighteen and forty-five for the enlisted men, and believe themselves to be mentally, moral-

ly, and physically fit for military or naval service, and that they desire to organize a unit of the National Guard or Naval Militia of Alabama, if there is in the allotment of the State an unorganized unit of the branch of the service requested, in the proper military area, the Governor may, at his discretion, order the Adjutant General to investigate the entire situation as regards the ability of the community in question to organize and maintain the unit for which they have petitioned, and take such measures as will determine what action should be taken on such petition, and inform petitioners of such action: Provided; That the petition is question, if approved by the Governor, shall serve in lieu of the election required in this Act for the purpose of nominating the Commissioned Officers for said organization. The signatures of the civilian applicants, under the conditions stated in this Section, shall be construed as meeting the requirements of the elections prescribed for Company Officers in Section **83** of this Act.

Section 75. QUALIFICATIONS OF NATIONAL GUARD OFFICERS: Persons hereinafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this Act unless they shall have been selected from the following classes, and shall have taken and subscribed to the Oath of Office prescribed for officers under the provisions of the National Defense Act: Officers, Warrant Officers, or enlisted men of the National Guard; Officers, active or retired, Reserve Officers, and former Officers of the United States Army, Navy, or Marine Corps, enlisted men and former enlisted men of the Army, Navy, or Marine Corps, who have received an honorable discharge therefrom; graduates of the Military and Naval Academies, graduates of schools, colleges, and universities, and Officers' Training Camps where they have received military instruction under the supervision of officers of the Regular Army, who certified as to their fitness for appointment as Commissioned Officers; and for the technical branches and Staff Corps or Departments, such other civilians who have demonstrated by actual and extended military service, or record of achievement in their civil life professions, or both, that they are especially qualified for duty therein; Provided; That none of the above classes from which officers shall be nominated shall be nominated and appointed as Commissioned Officers in the National Guard of this State until they have qualified as eligibles, and have received a certificate of eligibility, under Section **80** State Laws establishing a Register of Eligibles for Commission for the grade and branch of service in which it is desired that they be appoited in the National Guard.

Section 76. TESTS AS TO FITNESS FOR OFFICERS: No persons shall hereafter be appointed an officer of the National Guard unless he shall have successfully passed such tests as to his physical, mental, and professional fitness as the President may pre-

scribe under the provisions of the National Defense Act. The examination to determine such qualifications for commission shall be conducted by a Board of Officers constituted as now, or hereafter provided, by regulations written under the provisions of the National Defense Act, and governing the National Guard.

Section 77. RELATIVE RANK OF OFFICERS: Relative rank among officers of the same grade in the National Guard of Alabama shall be determined according to Army and National Guard Regulations.

Section 78. OFFICERS TO HAVE POWERS AND DUTIES OF UNITED STATES OFFICERS: In addition to the powers and duties prescribed in this Act, all officers of the National Guard and Naval Militia of Alabama shall have the same powers and perform the same duties as officers of similar rank and position in the Army and Navy of the United States insofar as may be authorized by Federal law. They are authorized to administer oaths in all matters connected with the service.

Section 79. ELIMINATION AND DISPOSITION OF OFFICERS: At any time the moral character, capacity, and general fitness for the service of any National Guard Officer may be determined by an Efficiency Board of three Commissioned Officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such Board be unfavorable to such officer, and be approved by the official authorized to appoint such officer, he shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an Efficiency Board, or pursuant to a sentence of a court-martial. Officers of the said Guard rendered superfluous by disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, or at the pleasure of the official authorized to select, nominate, and appoint such officers, be placed in the National Guard Reserve. Provided, That any Officer whose fitness for commission may be under investigation shall have the right to appear before the Board, present evidence and appeal to higher constituted authority.

Section 80. CREATING A "REGISTER OF ELIGIBLES FOR COMMISSION": Subject to the provisions of the National Defense Act, there shall be established in each company, troop, battery, and similar organization, and higher organizations, that is Regiments, Battalions, Brigades, and Divisions, and in each corps and Department of the National Guard of Alabama, a Register of Eligibles for commissions in the National Guard of Alabama in all grades and branches of the service up to and including the grade of Colonel, and nominations for commission in the Staff, Line, Corps and Departments, in the National Guard of Alabama shall be made from these Registers and from no other source. Commissioned

Officer Candidates for nomination and appointment, who seek to have their names placed on these Registers of Eligibles, shall come from the classes of persons mentioned in Section 75 of this Act, and shall be required to establish their qualifications for commission in any grade and branch of the service in which they wish to become eligible, by examination in accordance with laws, rules, and regulations for appointment of Commissioned Officers in the National Guard under the provisions of the National Defense Act: And, Provided Further; That a certificate of eligibility shall be issued each candidate who qualifies for a commission under the provisions of this Section, which certificate may, at the discretion of a Board of Examiners, exempt the Candidate holding such certificate from further examination, except physical, for permanent commission in the grade and branch of the service shown on certificate, within a period of three years from date of certificate: And, Provided, Further; That, all members of the National Guard of the State of Alabama who hold Reserve Commissions in the U. S. Army, shall, on their own application, be placed on the Register of Eligibles of the organization to which they belong or on the Register of Eligibles of any other unit of the Alabama National Guard that he may elect, in the grade and branch of the service in which they hold commissions in the Reserve Corps of the U. S. Army, without examination: And, Provided Further; That, officers commissioned in the National Guard of Alabama on the date of approval of this Act shall not be required to take the examination for eligibility for commission in their present grades and branches of the service: And, Provided Further; That, all officers holding commissions in the National Guard of Alabama on the date of approval of this Act, who desire to be placed on the Register of Eligibles for promotion to the next higher grade, shall be required to pass the examination necessary to place them on the Register of Eligibles for the grade and in the branch of the service for which they desire to become eligible, and this provision shall apply for further promotion among officers of this class: And, Provided Further; That, all officers in the National Guard of Alabama who shall receive their initial commission, after the date of approval of this Act, shall, within three years following the date of each new commission, be required to pass an examination for the next higher grade. Failure to apply for examination within the three year period and failure to satisfactorily pass such examination, within the three year period, on the part of any such officer shall cause, within six months thereafter, the officer to be ordered before an Efficiency Board, as provided in the National Defense Act. There shall be kept in the Adjutant General's Office of the State a State "Register of Eligibles for Commissions" composed of those persons who have been issued, and hold, active certificates of eligibility in every headquarters and organization of the National Guard of Alabama, and persons whose names appear on

the State Register of Eligibles are eligible for nomination for commission in the grade and branch of the service, for which they hold certificate, in any headquarters or organization within the military area, of the headquarters or organization, of which they are a resident.

Section 81. ELECTION, NOMINATION AND APPOINTMENT OF FIELD OFFICERS: TERM OF OFFICE: REMOVAL: VACANCIES: ORDERS FOR ELECTION: The Field Officers of each organization shall be elected by the elected Field and Line Officers of such organization by ballot or in such manner as may be determined upon by the Governor in his discretion. Field Officers' terms of office shall be continuous, and such officers shall not be removed except as provided in Section **79** of this Act, or until they have reached the age of sixty-four years. Whenever any vacancy shall occur from any cause in any field office, orders for an election for the purpose of nominating a candidate to fill such vacancy shall be issued within thirty days after such vacancy occurs and such election shall be held and nomination and returns of such election made within thirty days after the issuance of said order, under such rules and regulations as may be prescribed by the Governor not inconsistent with the provisions of this Act. Fifteen days notice must be given to the Commanding Officers of companies, troops, or batteries, Squadrons, Regiments, or similar organizations in which an election is to be held. A majority of the votes cast in such election shall be necessary to elect in any election held under this Section, and in event there is a tie vote, the Adjutant General shall cast the deciding vote. Should there be a failure to elect and to make proper returns within sixty days, then the Governor shall select and appoint an officer from the State Register of Eligibles. Battalion and Squadron Commanders shall be elected by the elected officers in the Battalion or Squadron in which the vacancy occurs or exists.

Section 82. STAFF OF COMMANDING OFFICERS OF BATTALIONS, REGIMENTS, BRIGADES, DIVISIONS, ETC.: Each Commanding Officer of a Battalion, Regiment, Brigade, or Division, shall appoint his Staff Officers, subject in each case to the approval of the Governor, and subject to the limitations of the National Defense Act. All Commissioned Staff Officers shall be appointed upon nomination by the officer on whose Staff he is to serve, and shall hold office until sixty-four years of age, unless removed for cause under the provisions of the State Military Laws and the National Defense Act: Provided; That nominees for Staff appointments shall be taken from the Register of Eligibles of the units that constitute the organization commanded by the officer on whose Staff the proposed Staff Officer is to serve.

Section 83. ELECTION AND NOMINATION OF COMPANY OFFICERS: The Line Officers of each company, troop, or

battery, shall be nominated to the Governor for commission on election by the enlisted men thereof, whose terms of office shall be the same and held under like conditions as that of the Field Officers, as provided in Section 81 of this Act, and who may be removed from office in a like manner for like cause as provided in Section 79 of this Act. Whenever there shall occur a vacancy in any company, troop, or battery by reason of death, resignation, or removal, or any other cause, the Governor shall order such organization to nominate a candidate, from the organization Register of Eligibles, by election to fill such vacancy under such rules and regulations as may be prescribed by the Governor, not inconsistent with the provisions of this Act, and must give at least ten days notice of such election by orders published at the Armory of said company, troop, or battery, where said election is to take place. To prevent fraud or collusion, a time must be fixed when ballots will be received, and no ballot will be received or counted after that hour. All such elections must be held, and returns thereof made, within thirty days after the date of the Governor's order for their holding, which orders shall be issued within thirty days after such vacancy occurs. A majority of the votes cast shall be necessary to elect in any election held under this Section.

Section 84. APPOINTMENT OF NON-COMMISSIONED OFFICERS: The non-commissioned officers of each company, troop, battery, or similar organization, shall be appointed by Regimental or separate Battalion Commanders upon recommendation by the company, troop, battery, or similar organization Commander, and shall hold office at the pleasure of such Commanders.

REDUCTION TO RANKS OF NON-COMMISSIONED OFFICER: Any non-commissioned officer may be reduced to ranks by order of his Regimental, Squadron, or separate Battallion Commander upon the recommendation of his immediate Commanding Officer.

Section 85. WHEN OFFICERS AND ENLISTED MEN ARE ENTITLED TO VOTE: No officer or enlisted men shall be entitled to vote at any election for the nomination for Commissioned Officers of the National Guard or Naval Militia of Alabama who has not complied with the Federal requirements for Armory Drill pay or who has been absent from four consecutive drills or periods of instruction, next preceding said election, of the organization of which he may be a member.

Section 86. CERTIFICATE OF NOMINATION OR ELECTION: A certificate must be forwarded to the Adjutant General of the State in the form, time, and manner prescribed by orders, stating that such elections, as are required by this Act, were held in accordance with the order received, and giving the result thereof, and such certificate must be sworn to by the officer holding such election.

Section 87. ISSUANCE OF COMMISSIONS, EXAMINATIONS: All officers of the National Guard and Naval Militia of the State of Alabama shall be commissioned by the Governor and Commander in Chief, and no person shall be commisisoned in the Alabama National Guard or Naval Militia who is not a citizen and resident of the State. The Governor shall, before a commission is issued, order a candidate for commission up for examination before an Examining Board appointed under the provisions of the National Defense Act or Federal Acts governing the Naval Reserve, as they are now written or as they may be hereafter amended: Provided; That, Commissioned Officers, Warrant Officers, and enlisted men of the National Guard or Naval Militia of Alabama, except members of the Alabama National Guard Reserve, shall be actual residents of the community, county, or military area designated as the military area of the unit to which they are assigned, or of which they are members: Provided Further; That, after the date of approval of this Act, should a Commissioned Officer remove his permanent residence from such designated area to such distance within the State as to render it impracticable for him to perform military duty wtih the organization or headquarters to which he is assigned, he shall submit his resignation, and on failure to do so, he shall be discharged or transferred to the Reserve, and in the case of enlisted men, he may be transferred to an organization of the Alabama National Guard in the area of his new residence or he shall be discharged from the service or transferred to the Reserve.

Section 88. GENERAL OFFICERS OF THE LINE: TERM OF OFFICE: VACANCIES, HOW FILLED: When the organized military forces of the State shall have reached the state in organization where General Officers of the Line may be appointed under the provisions of the National Defense Act, such Officers shall be appointed by the Governor from among active or former active Officers of the National Guard of Alabama, with the advice and consent of the Senate, and who hold, or have held, commission in the Alabama National Guard in a grade not lower than Major, and who have had not less than six years service in the Alabama National Guard, at least two years of which must have been in the Line, and such General Officers shall hold office for such length of time and under the same conditions, and have and exercise the rights, powers, authority, and perform the duties of Officers of the United States Army, of the same grade, so far as consistent with the Constitution and Laws of this State, and the National Defense Act. Vacancies in said offices caused by death, resignation, or removal, while the Senate is not in session, shall be filled by recess appointments by the Governor: Provided; That should the vacancies in the grade of General Officer of the Line be in an organization in which the State of Alabama has joint interest with another State or States, the Governor is authorized to enter into a conference

through the Military Department of the State with the other States concerned for the purpose of determining which State shall, with the concurrence of the other States, nominate the General Officer to fill such vacancy in conformity with laws, rules, and regulations of the State and the United States, written under the provisions of the National Defense Act: Provided Further; That General Officers appointed from Alabama shall select their Staff Officers from the State Register of Eligibles for Commission, subject to the approval of the Governor, and these officers shall be appointed or detailed by the Governor under the provisions of the National Defense Act: Provided Further; That Staff Officers allotted to this State, who are members of organizations jointly organized with other State, and who are on the Staff of General or other Officers who are commissioned in another State that has joint interest in a unit of the National Guard of this State, and whose appointment was approved by Alabama, shall be selected, nominated, and appointed by the Governor, under the rules and regulations written under the provisions of the National Defense Act: And, Provided Further; That, all Staff Officers mentioned in this Section shall be selected from the State "Register of Eligibles for Commission" in the grade and branch of the service required by the Staff assignment: And, Provided Futher; That, the provisions of this Section shall not apply to General Officers of the Line who hold commission in the active National Guard of Alabama on the date of approval of this Act.

Section 89. ENLISTMENTS IN THE NATIONAL GUARD: Original enlistments, and re-enlistments, in the National Guard shall be for such periods as may be now or hereafter prescribed by Congress or the Secretary of War under the provisions of the National Defense Act. Enlisted men shall not be recognized as members of the National Guard until they have signed an enlistment contract, and taken and subscribed to the Oath prescribed by Congress or the Secretary of War under the provisions of the National Defense Act.

Section 90. DISCHARGE OF ENLISTED MEN: An enlisted man discharged from the service in the National Guard shall receive a discharge in writing in such form and with such recommendations as is or shall be hereafter prescribed by Congress or the Secretary of War under the provisions of the National Defense Act.

Section 91. OFFICERS REQUIRED TO MAKE REPORTS: Any officer of the National Guard or Naval Militia of Alabama who wilfully and negligently fails to make any report required of him relating to State emergency Military or Naval Service, administrative work, Armory Drill, field training, or similar service, or reports on money accounts, clothing, and equipments, or other military property belonging to the State, or in the custody of the State, shall be guilty of a misdemeanor, and must, on conviction, be fined not less than fifty dollars.

Section 92. DRILLS: Each organization shall assemble for drill and instruction, including indoor target practice, and participate in encampments, maneuvers, and other exercises, including outdoor target practice, at such times and places and for such periods as may be prescribed by the Governor in accordance with the requirements of the National Defense Act.

Section 93. PENALTY FOR NON-ATTENDANCE AT DRILLS, FIELD INSTRUCTION, OR NON-COMPLIANCE WITH DUTIES RELATING TO ARMORY DRILLS: Officers of the Militia may be tried by courts-martial and fined not to exceed the sum of ten dollars, and the cost of prosecution, for non-attendance or tardiness at any drill, period of instruction, or similar military work, and for each day of absence from annual field instruction or annual cruise, inspection or other military or naval duty ordered by proper authority, and for failure to comply with any ordered requirement relating to any course of study prescribed in lieu of Armory drill. Failure to pay such fine shall cause forfeiture of the commission of the delinquent officer, in the discretion of the Governor.

Section 94. AUTHORIZED SERVICE MEDALS AND DECORATIONS TO BE WORN: All service medals and decorations awarded for service in the Army and Navy of the United States, and authorized to be worn with the uniform of the United States Army or Navy, are authorized for the uniform of the National Guard and Naval Militia of Alabama, on occasions prescribed for officers of the United States Army, Navy, and Marine Corps: Provided; That, the following State medals and decorations are authorized for wear with the uniform of the National Guard and Naval Militia of the State of Alabama: State Service Medals authorized in this Act, medals and decorations awarded by recognized patriotic organizations such as are associated with the service of Revolutionary War ancestry, the war of 1812, the Mexican War, the Civil War, both Confederate and Federal service, the Spanish-American War, the Great War 1917-1918, and such other medals and decorations as may be recommended by the Military Advisory Board of the State and approved by the Governor: Provided Further; That, only one service medal, or similar insignia, each, from the United States, or State, shall be worn for any one war. This provision shall not apply to decorations of the State or the United States, or foreign decorations, the award of which has been approved by the State and the United States, that are subject of individual citation, such as the Medal of Honor, Distinguished Service Cross, Distinguished Service Medal, the French Croix de Guerre, and similar decorations.

Section 95. EXEMPTION STATE TOLL BRIDGE FEES, MILITIA, UNDER CERTAIN CONDITIONS: Under such rules and regulations as may be drafted by the Military Advisory

Board of the State, and approved by the Governor, individual officers, warrant officers, and enlisted men of the National Guard and the Naval Militia of this State, and individual officers, warrant officers, and enlisted men of the United States Army or Navy, or both, on duty with the National Guard or Naval Militia of this State, and detachments and units of such of the land and naval forces of this State, or the United States, as may be specifically mentioned in such Regulations, or in Special Orders issued by the Governor, may be exempted from the payment of toll bridge fees within this State.

Section 96. ASSOCIATE MEMBERS: Every Company, or similar organization, or organization of auxiliary troops, and Division of Naval Militia, may, if approved by the Governor, besides its regular and active members, enroll not more than twenty-one associate members, on payment on or before the 15th day of December, by each person desiring to become such associate member, of not less than twenty-five dollars ($25.00) per annum, which money shall be paid into the company treasury. Each associate member shall be entitled to receive from the Commanding Officer thereof a certificate of membership, which certificate shall entitle the holder to privilege of exemption from July Duty for the next following calendar year. It shall be the duty of the Commanding Officers of Companies to furnish the Clerk of the Court of their Circuit, or other civil officer or body of officers performing similar functions, on or before the first of January of each year, for the information of the County in making a list of persons to serve as jurors, a roll of associate members of their command.

Section 97. UNIFORMS: Companies, Battalions, Regiments, or separate organizations may, with the consent of the Governor and approval of the Militia Bureau of the War Department, adopt a dress uniform: Provided; That, such uniform shall be procured at the personal expense of the soldiers or from organization funds, or both, if approved by the Governor.

OFFICERS TO EQUIP THEMSELVES: Upon being commissioned, officers shall provide themselves with proper uniforms, arms, and equipments as prescribed by regulations, and shall maintain same in neat and serviceable condition at all times.

Section 98. PERSONAL MILITARY PROPERTY EXEMPT FROM LEVY AND SALE: The personally owned uniforms, arms, and equipments, required by law or regulations, of every commissioned, warrant, and non-commissioned officer, musician, and enlisted man of the National Guard and Naval Militia of Alabama shall be exempt from sale under any execution, or other process for debt or taxes.

Section 99. EXEMPTIONS OF PERSONS IN THE MILITARY AND NAVAL SERVICE FROM ARREST: Members of the Militia in the active military or naval service of the State, and

other persons belonging to the active National Guard or the active Naval Militia of the State, shall not be arrested on any process issued by or from any civil officer or court, except in cases of felony or breach of peace, while going to, remaining at, or returning from, any place at which he may be required to attend for Military or naval duty; nor in any case whatsoever while actually engaged in the performance of his military or naval duties, treason and murder excepted, unless with the consent of his Commanding Officer.

Section 100. COMPANY TO BE CORPORATE BODY: (a) Each company of the National Guard and Naval Militia of this State, when such organization is Federally recognized, shall, without any further proceedings other than the filing with the Secretary of State of a certificate by the Adjutant General to that effect, constitute a corporate body to be known by the name by which such company is officially designated under the military laws and regulations of the State and the United States, and shall possess all the powers necessary and convenient to accomplish the objects and perform the duties prescribed by law. (b) The active members of such company, in good standing, and no other, shall constitute the members of such corporation, and shall select three trustees who, together with the Commanding Officer, shall manage and administer the civil business of such corporation. The Commanding Officer shall be Ex-Officio President, and the trustees shall elect one of their number Vice President, One Treasurer, and one Secretary. (c) Each company may take by purchase, devise, gift, or otherwise, and hold so long as such company is an existing company and a part of the National Guard or Naval Militia, any property, real or personal. All such property shall be in the custody and control of the trustees hereinbefore provided for. (d) Such companies may sell, exchange, or otherwise dispose of, property so acquired with the written approval of the Military Advisory Board provided in this Act, upon recommendation of the Regimental or other superior unit Commander having administrative functions. (e) Whenever any such company shall be disbanded by proper authority, such corporations shall cease to exist, and all property belonging to it shall become the property of the State of Alabama, and it shall be devoted to such military uses as the Military Advisory Board shall determine, and the Governor may approve. (f) Armories, drill areas, target ranges, administrative buildings, hangars, flying fields, and such other property, real or personal, owned by such companies and maintained exclusively for the use of such companies, shall be exempt from all State, County and Municipal taxation. (g) Armories and other buildings, drill grounds, and other military areas, or grounds, and such other property, real or personal, formerly owned by military organizations in any community and county of this State, shall become the prop-

erty, on the date of the passage of this Act, of the military organization of the National Guard located in the same community, which organization, from every standpoint of reason, equity, and justice, should fall heir to such property, and shall, when investigated and approved by the State Military Advisory Board and the Governor, become the property of a unit in the same community, said property to be handled by that organization under the provisions of the Act, which makes a company, or similar unit, a corporate body. (h) Nothing in this Section shall limit the authority vested in the officers of the company by State or Federal laws. (i) Nothing in this Section shall prevent two or more companies entering into a combination for the benefits that may accrue of the nature authorized in this Section.

Section 101. COMPANY MILITARY AFFAIRS TO BE ADMINISTERED ACCORDING TO STATE AND UNITED STATES LAWS AND REGULATIONS: The military affairs of a company shall be administered as provided for in Army and National Guard Regulations, subject to such exceptions as may be made by this Act, or regulations made by the Governor not inconsistent with State and Federal law.

Section 102. EXEMPTION FROM TAXATION OF ALL REAL AND PERSONAL PROPERTY OWNED OR CONTROLLED EXCLUSIVELY BY AN ORGANIZATION OF THE NATIONAL GUARD OR NAVAL MILITIA: All property, both real and personal, belonging to an organization of the National Guard or Naval Militia of Alabama (officially recognized as such by the Federal Government) shall be exempt from ad valorem taxes, State, County, and Municipal. This exemption shall apply to real property when leased to an organization of the Alabama National Guard, while the same is under the custody and control of the said National Guard Unit, and said exemption shall not be vitiated should the National Guard organization sub-lease a part of the premises, when the rental derived from such lease is used entirely and solely for the benefit of said National Guard organization, and when such sub-lease or permissive use shall be subject to immediate termination by the National Guard Unit, at the discretion of the Governor.

Section 103. POST EXCHANGES AND CANTEENS: All post exchanges, or canteens, owned, operated, and run exclusively by the National Guard Units shall be exempt from the payment of all State, County, City, or Town licenses and taxes, and shall be exempt from payment of tobacco and gasoline tax to State, County, City, or Town, when operated in accordance with such rules and regulations as the State Military Board may provide and the Governor may approve, when the profits of such canteens or exchanges go to the National Guard or Naval Militia Units and not to the operators of such enterprises.

Section 104. ORGANIZATIONS NOT TO LEAVE STATE WITHOUT PERMISSION: No organization of the National Guard or Naval Militia of the State of Alabama shall go out of the State except by permission of the Governor.

Section 105. DISBANDMENT OF ORGANIZATIONS: Any organizations of the National Guard or Naval Militia of Alabama may be disbanded at the discretion of the Commander in Chief, subject to the restrictions of the National Defense Act and Federal laws governing the Naval Militia of the United States.

Section 106. ARTICLE OF WAR, WHEN IN ACTIVE MILITARY SERVICE OF THE STATE: Whenever any portion of the Militia shall be called into the active service of the State to execute the law, suppress riot or insurrection, or to repel invasion, protect lives and property and in aid and relief of our citizens in disaster, the Articles of War and the Articles for the Government of the Navy, and the regulations prescribed for the Army and Navy of the United States, shall be enforced and regarded as a part of this Act until said forces shall be duly relieved from such duty; as to offenses commited when such Articles of War and Articles for the Government of the Navy are so in force, courts-martial shall possess, in addition to the jurisdiction and power of sentence and punishment herein vested in them, all additional jurisdiction and power of sentence and punishment exercissable by like courts under such Articles of War, and Articles for the Government of the Navy, or regulations or laws governing the United States Army and Navy, or the customs and usages thereof; but no punishment under such rules and Articles which will extend to the taking of life shall in any case be inflicted except in time of war, invasion or insurrection, declared by a proclamation of the Governor to exist, and then only after approval by the Governor, of the sentence inflicting such punishment. Imprisonment other than in guard house shall be executed in County or City jails or other prisons designated by the Governor for that purpose.

Section 107. RIGHT OF TROOPS TO STREETS AND HIGHWAYS: EXCEPTIONS: United States forces or troops, or any portion of the Alabama National Guard or Naval Militia, parading or performing any duty, according to law, shall have the preferable right in any street or highway through which they may pass: Provided; That, the carrying of the United States Mails, the regular functions of the police, and the progress and operation of fire engines and fire departments shall not be interfered with.

Section 108. COMPENSATION FOR INJURY OR DEATH AND REHABILITATION IN CASE OF PERMANENT DISABILITY: Every member of the Militia who shall be wounded or disabled, as a direct result of active military or naval service of the State, when called out in case of riot, tumult, breach of peace, resistance to process, invasion, or rebellion, or imminent danger

thereof, and whenever called in aid of the civil authorities, or in the aid of our citizens in relief in disaster, shall be hospitalized and provided for at the expense of the State, and shall be continued in the active military service of the State until maximum possible physical improvement has been reached, not to exceed a period of one year in any case.

DEATH IN ACTIVE MILITARY SERVICE OF THE STATE: In the case of injury received in line of duty in the active service of the State resulting in death, the dependent members of the family of the deceased, if there be such, shall receive the same compensation as is provided by the Workman's Compensation Law of this State; the earnings of the deceased in his civil vocation being the basis of his compensation, but in no case shall the basis for compensation be less than the pay that the deceased was earning in the active military service of the State. The compensation under this Section shall be paid out of the General Treasury from monies not otherwise appropriated, when not paid by a bonding company.

PERMANENT DISABILITY IN THE ACTIVE MILITARY SERVICE OF THE STATE: In the case of a soldier or sailor being wounded or disabled in the active military or naval service of the State, as a direct result of such service, the disability being of a permanent nature, in order that the soldier or sailor may be able to receive the benefits of the State Industrial Rehabilitation Law, the State shall bear the expense of transportation, subsistence, and shelter of the soldier or sailor during the period of treatment. The total sum allowed for subsistence and shelter not to exceed fifty dollars ($50.00) per month, and the actual cost of transportation from his home to and from the place of treatment. The compensation paid under this Section shall be paid out of the General Treasury from monies not otherwise appropriated, and all claims not made within a period of one year from date of alleged injury, or time of contracting the alleged disability, such time to be deemed the end of the period of active duty of such claimant, shall be barred.

Section 109. TRAINING WITH THE NATIONAL GUARD OF OTHER STATES: For the purpose of coordinating and making more effective the field and similar classes of instruction and training in organizations of the National Guard jointly maintained by Alabama and other State or States during periods of Field or similar training, as provided under the National Defense Act, the units and personnel of the Alabama National Guard may, if authorized by the Federal Government, be placed under the supervision and command of higher organization commanders, who are now or may hereafter be appointed from other States, and whose appointment has the approval of this State, and the States concerned, and the officer recognized by the Federal Government: Provided; That, this requirement shall not be carried out unless,

and until, the State or States jointly interested in a National Guard organization with Alabama shall have enacted a similar law: Provided Futher; That, the objects of this Section may be carried out with the consent of the Governor, without regard to similar laws enacted by other States, with the advice and approval of the ranking officer of the Alabama National Guard present at the place of training and instruction and in command of the Alabama troops concerned: And Provided Futher; That, for the purpose of fixing the time limits of the periods mentioned in this Section, the period of training shall begin when all the Alabama troops concerned have been reported as in the Camp or place of instruction and training and established in their company streets or quarters, and shall end when the Alabama troops concerned have terminated their field training schedule, or other program of training or instruction, and are reported as ready to leave the boundaries of the camp or training area for their home stations: Provided Further; That, Alabama troops shall not be required to yield authority and supervision of matters concerning transportation, in or out of camp or other military area, finance and supply and which concern Alabama only in her relations with the Federal Government and for which the State is directly responsible to the Federal Government: Provided Further; That, the Commanding Officer appointed from another State, and such other officers of his command as he may designate, who are members of organizations in which Alabama has joint interest with other States, and who are appointed and recognized in accordance with laws, rules, and regulations, prescribed by the Federal Government, may, with the approval of the Governor, make tours of inspection and *policy visits* with units of their organizations of the Alabama National Guard, at their home stations, or at other places, at such times as are mutually agreeable, it being understood that the State is not responsible or liable from any expenses incident to such visits.

Section 110. PAY OF OFFICERS, WARRANT OFFICERS, AND ENLISTED MEN OF THE NATIONAL GUARD AND NAVAL MILITIA WHEN IN "THE ACTIVE MILITARY OR NAVAL SERVICE OF THE STATE": Officers, warrant officers, and enlisted men of the Militia, when employed in the active military or naval service of the State, as defined and provided in this Act, are entitled to pay for such service, which will begin on the day of assembly at the Armories or other designated places, and will continue until the day of return thereto and proper relief. Fractional parts of a day will count as a full day. The reckoning of a day will be from midnight to the subsequent midnight. Pay of officers, warrant officers, and enlisted men of the National Guard shall be that rate now or hereafter authorized by the War Department under the provisions of the National Defense Act for annual field training of the National Guard. Pay of

officers, warrant officers, and enlisted men of the Naval Militia shall conform to that rate authorized by the Navy Department, for annual naval cruises for members of the Naval Reserve. Each officer, warrant officer, and enlisted man will be provided with subsistence or rations while in the active service. The purchase of this subsistence will be made in accordance to such regulations as the Governor may prescribe. The pay and subsistence authorized by this Section shall be paid out of the General Treasury, and not from the regular military appropriations provided for organization, maintenance, support, and upkeep of the National Guard and Naval Militia. Warrants in this connection will be issued by the Auditor on vouchers or payrolls, as may be required by the Governor as Commander in Chief, accompanied by copies of the orders authorizing service. Before payment, payrolls and vouchers shall be certified by the Adjutant General and approvel by the Governor.

Section 111. NO ACTION ALLOWED AGAINST OFFICERS AND ENLISTED MEN ON ACCOUNT OF MILITARY DUTIES: No action or proceedings shall be prosecuted or maintained against a member of a military court, or officer, or person, acting under it's authority, or reviewing its proceedings, on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process or mandate, of a military court, nor shall any officer or enlisted man be liable to civil action or suit or criminal prosecution for any act done while in the discharge of his military duty, which act is in line of duty.

Sestion 112. GOVERNOR TO APPOINT COUNSEL: If a suit or proceedings shall be commenced in any court by any person against any officer of the military or naval forces of this State for any act done by such officer in his official capacity, in the discharge of any duty under this Act, or against any soldier acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, it shall be the duty of the Governor, upon the recommendation of the Attorney General, to appoint counsel to defend such person, but such counsel shall be acceptable to the defendant. The cost and expense of any such defense shall be paid out of the appropriation for the maintenance of the National Guard and Naval Militia.

Section 113. SECURITY FOR COSTS: Any person bringing an action or proceeding against a military officer of this State for any act done in the course of his official duty, or against any person acting under the order or authority of such officer, shall give security for the costs, disbursement, and reasonable attorneys fees incurred by the State or defendant in defending the same and in the same manner and subject to the same regulations, so far as applicable, in the case of a non-resident plaintiff, and if the plaintiff fails to recover such attorney's fees may be taxed with the costs and

disbursements, and judgment therefor be entered against him and his sureties on the bond.

Section 114. COURTS-MARTIAL FOR NATIONAL GUARD: Courts-martial for organizations of the National Guard, not in the service of the United States, shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for like courts organized under the Articles of War and Federal Rules and Regulations for the government of the National Guard.

Section 115. GENERAL COURTS-MARTIAL: General Courts-martial of the National Guard, not in the service of the United States, may be convened by orders of the President of the Court, or the Governor of the State, and such courts shall have the power to impose fines not exceeding two hundred dollars; to sentence to forfeiture of pay and allowance; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers in grade or to the ranks; or any two or more of such punishments may be combined in the sentence imposed by such courts.

Section 116. SPECIAL COURTS-MARTIAL: In the National Guard, not in the service of the United States, the Commanding Officer of each garrison, fort, post, camp, or other place, Brigade, Regiment, Detached Battalion, or other detached command, may appoint special courts-martial for his command; but such special Courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have the power to try any person subject to military law, except a Commissioned Officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed one hundred dollars.

Section 117. SUMMARY COURTS-MARTIAL: In the National Guard, not in the service of the United States, the Commanding Officer of each garrison, fort, post, or other place, Regiment, or Corps, Detached Battalion, Company, or other detachment of the National Guard, may appoint for such place or command a summary court, to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of law governing such organizations, and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding twenty-five dollars for

any single offense; may sentence non-commissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowance, not to exceed twenty-five dollars. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.

Section 118. POWERS OF COURTS-MARTIAL: All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinment in lieu of, or in addition to, fines authorized to be imposed, and shall also have power to direct that upon the nonpayment of a fine, the person convicted shall be confined in any county or city jail, but such sentences of confinment shall not exceed one day for each dollar of fine authorized.

Section 119. PROCEDURE OF COURTS-MARTIAL: In the National Guard, not in the service of the United States, Presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue commitment in carrying out sentences of confinement, and to issue subpoenas and subpoenas duces tecum, and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts. He shall also have power to punish for contempt occurring in the presence of the court by sentence of confinement not to exceed five days for a general courts-martial, not to exceed three days for a special courts-martial, and not to exceed one day for a summary courts-martial.

Section 120. MANUAL OF COURTS-MARTIAL GOVERNS TRIAL: Trials and proceedings by all courts and boards shall be in accordance with the plan and procedure laid down in the manual of courts-martial, courts of inquiry, and retiring boards, and other procedure under military law, as may from time to time be prescribed by the Secretary of War.

Section 121. SENTENCES, WHERE EXECUTED: All sentences to confinment imposed by any military court of this State shall be executed in such prisons as the court may designate and the Governor shall approve.

Section 122. HOW EXECUTED: All processes and sentences of any of the military courts of this State shall be executed by any sheriff, deputy sheriff, constable, or police officer, or by any person deputised by said military court, into whose hands the same may be placed for service or execution, and such officer shall make return thereof to the officer issuing or imposing the same. Such service or execution of process or sentence shall be made by such

officer without tender or advancement of fee therefor, but all costs in such cases shall be paid from funds appropriated for military purposes. The actual necessary expenses of conveying a prisoner from one county in the State to another, when the same is authorized and directed by the Adjutant General of the State, shall be paid from the regular military appropriation of the State, when approved by the Governor.

Section 123. COMMITMENTS: That where any sentence to fine or imprisonment shall be imposed by any military court of this State, it shall be the duty of the President of said court, or summary court officer, upon approval of the findings and sentences of such court, by the reviewing authority, to make out and sign a certificate entitling the case, giving the name of the accused, the date and place of trial, the date af approval of sentence, the amount of fine, or manner, place, and duration of confinement, and deliver such certificate to the sheriff, or deputy sheriff, constable or police officer of the county, city or town wherein the sentence is to be executed; and it shall thereupon be the duty of such officer to carry said sentence into execution in the manner prescribed by law for the collection of fines or commitments to service of terms of imprisonment in criminal cases determined in the courts of this State.

Section 124. SENTENCE OF DISMISSAL: No sentence of dismissal from the service or dishonorable discharge, or sentence to imprisonment, imposed by a National Guard courts-martial not in the service of the United States, shall be executed until approved by the Governor. Any officer convicted by a general courts-martial and dismissed from the service shall be forever disqualified from holding a commission in the Militia of Alabama.

Section 125. COLLECTION OF FINES IMPOSED BY COURTS-MARTIAL: For the purpose of collecting any fines or penalties imposed by a courts-martial, the President of the court, or the summary court officer, shall, within fifteen days after the fines or penalties have been imposed and approved, make a list of all the persons fined, describing them distinctly, and showing the sums imposed as fines or penalties on each person, and shall draw his writ, under his official signature, directed to any marshal of the court, or to the sheriff, constable, or any policeman of any city or county, as the case may be, thereby commanding him to levy such fines or penalties, together with the costs, on the goods and chattels of such delinquent, and the said writ shall thereupon have the force and effect of a fieri facias, but such delinquent shall not be entitled to the benefit of any exemption law of this State, as against such writ and the lien thereof. In default of sufficient personal property to satisfy same, the officer executing the same shall take the body of the delinquent and convey him to the jail of the city or county in which he may be found, whose jailer shall closely confine without bail for one day for any fine or penalty not exceeding one dollar, and

one additional day for every dollar above that sum, unless the fine or penalty and jailer's fees be sooner paid. No such imprisonment shall extend beyond the period of ten days for non-payment of fines.

Section 126. FINDINGS TO BE APPROVED BY THE COMMANDER IN CHIEF BEFORE BEING EXECUTED: No findings of any courts-martial of the several kinds organized in conformity to rules and regulations governing the National Guard and Naval Militia, not in the service of the United States, shall be executed until approved by the Commander in Chief, and whenever the findings of such Courts are so approved, the Commander in Chief shall cause the proper orders to be issued to the sheriff of the proper county to carry the findings of the court into proper effect, and all such courts-martial shall have the authority to issue writs of arrest, directed to the sheriff of any county, to arrest and bring before such court any member of the National Guard or Naval Militia against whom charges are pending in said court. The proceeds of all fines shall be paid to the Commanding Officer of the Company of which the accused is a member, and, if the accused is a Field Officer, to the Commanding Officer of the Regiment or Separate Battalion for the benefit of the military fund of such organization.

Section 127. PAYMENTS OF EXPENSES OF COURTS-MARTIAL: All expenses incurred in courts-martial proceedings, including the payment of one stenographer, sheriff's fees and service of complaints, warrants, summons, and subpoenas and witnesses, shall be allowed the same fees as in criminal cases, and the same shall be paid, together with officers and Judge Advocate of the court, out of the Regular Military Appropriations by warrant on the Auditor, with the approval of the Governor. Courts-martial may subpoena any witness, residing in one hundred miles of the place where the court is sitting, to appear and testify before it, and the sheriff, on receiving any subpoena issued by direction of the courts-martial and signed by the Judge Advocate thereof, or by the officer holding a summary Court, shall make service and return of service as provided by law in criminal cases.

Section 128. EMPLOYMENT OF A STENOGRAPHER IN COURTS-MARTIAL: The employment of a stenographic reporter may be authorized by the convening authorities for any general or special courts-martial. When a reporter is employed, he shall be paid upon the certificate of the Judge Advocate and upon the approval of the Governor from the regular military appropriations, such fees as are provided by law for an official reporter.

Section 129. Any person failing to appear at any courts-martial in this State to testify in accordance with the subpoena issued by such courts-martial, without lawful excuse, is guilty of a misdemeanor and shall, upon conviction, be fined not more than one hun-

dred dollars, or may be imprisoned not more than sixty days in the county jail, either or both.

Section 130. DISTURBING COURT: Any person who shall be guilty of disorderly, contemptuous, or insolent behavior, or use any insulting or contemptuous or indecorous language or expression to or before any military court, or member of any such courts, in open Court, intending to interrupt the proceedings or to impair the authority of such court, may be committed to the jail of the county in which said court shall sit, by warrant under the hand of the President of such court. The warrant shall be directed to the sheriff, or any civil officer performing similar functions, and shall briefly state the offense adjudged to have been committed, and shall command the officer to whom it is directed to take the body of such person and commit him to the jail of the county, there to remain without bail in close confinement for a time to be limited, not exceeding five days for a general courts-martial, three days for a special courts-martial, and one day for a summary courts-martial. Such officer shall obey such warrant and keep the person committed thereby until the expiration of the time mentioned in the warrant, or until the offender shall be discharged by due course of law, unless sooner discharged by a judge of a court of record, in the same manner and under the same rules as in cases of imprisonment under process of contempt from a civil court of record.

Section 131. PROCEEDINGS NOT TO BE VITIATED BY IRREGULARITY: The proceedings of military courts shall not be vitiated by reason of mere irregularity, want of form or other technical defect, unless it is affirmatively made to appear, upon review or appeal, that the accused has been denied a fair hearing and has been materially injured thereby. In all cases where the sentence of a military court has been approved by the reviewing authority, the jurisdiction of said court and the legality of all its proceedings shall be presumed, and on approval of such sentence, or in any civil proceedings, the burden of rebutting such presumption by competent evidence shall rest with the applicant or contestant in any such appeal or civil proceedings.

Section 132. COURTS NOT BOUND BY TECHNICAL RULES: Military courts are not bound by technical rule of evidence prevailing in civil tribunals, and may depart therefrom when in their opinion the exigencies of the case, and the best interests of the service or the ends of justice demand it. Copies of all general and special orders may be received in evidence when attested to by th signature of any officer having custody of an official copy of such order; and in case a written copy of such order cannot be procured without delay or inconvenience, oral testimony as to its contents may be received and all military courts may take judicial notice of the signature and handwriting of any commissioned officer of the National Guard.

Section 133. COMPENSATION OF CIVIL OFFICERS: Civil officers and guardsmen, executing the warrants of process of a military court, shall receive, as a compensation therefor, the fees allowed by law for like service in the civil courts, the same to be taxed by such court and, in summary court cases, paid out of the military fund of the company of which the accused is a member. All fees and expenses of trial in general and special courts-martial cases, and the fees of jailors in all cases for the keep of prisoners, shall be paid by the Adjutant General out of the Regular Military Appropriations for the maintenance of the National Guard. But no fees shall be allowed or paid to such officers unless an itemized statement thereof is endorsed on and forthwith returned with such warrant or process to the court issuing the same.

Section 134. COURTS OF INQUIRY: Court of Inquiry, to consist of one or more officers, may, and on the request of the officer involved shall, be instituted by the Governor for the purpose of investigating the conduct of any officer, or any accusation or imputation against him, or any acts made the subject of military complaint. Such court of Inquiry shall, without delay, report a statement of facts, and, when required, the evidence adduced and an opinion thereon to the Governor, who may, in his discretion, thereupon order a court-martial for the trial of the officer whose conduct has been inquired into.

Section 135. COMPOSITION, ORGANIZATION, AND EQUIPMENT OF THE NAVAL MILITIA: (a) The Naval Militia of the State of Alabama shall be composed of male citizens of the State, of such age as may be lawful for enrollment or appointment in the Naval Reserve of the United States. (b) The organization of the Naval Militia shall be such as is prescribed for the Naval Reserve, and the regulations of the United States Naval Reserve and such changes as are made therein, shall govern like matters in the Naval Militia—except (1) when a member of the Naval Reserve applies for enlistment, enrollment, or appointment, in the Naval Militia, he may be enrolled in, but not above, the rank or rating held in the Naval Reserve, and the age limit shall be waived; except (2) where specifically stated otherwise in this Act. (c) A member of the Naval Militia, who is also a member of the Naval Reserve, and who has conformed to all the requirements of the Naval Reserve for maintaining efficiency in rank or rating, shall be deemed thereby to have maintained his efficiency in the Naval Militia, and no other drills, training duty, or other instruction shall be required of him. (d) The arms and equipment of the Naval Militia shall be those which are now, or may hereafter, be prescribed for the Naval Reserve. (e) Officers of the Naval Militia, who are members of the Naval Reserve, shall take precedence among themselves in accordance with their seniority in the Naval Reserve. In the question of precedence with officers of other

branches of the armed service of the State, and of the United States, the regulations governing precedence in the armed forces of the United States will govern.

Section 136. OFFICERS AND ENLISTED MEN: No officer or enlisted man of the Naval Militia of this State shall be a member of any other naval or military organization except the Naval Reserve of the United States.

Section 137. WHO TO COMMAND: The naval forces shall not be considered as attached to any division or brigade of the land forces of the State, but shall be under the direct command of the Governor as Commander in Chief. When, however, the Naval Militia, or any part thereof, shall be in the field or afloat upon actual service, the senior officer present shall command same, and whenever operating or acting in conjunction with the land forces of the Militia of the State, the senior officer present, according to relative rank of either force, shall command the whole, unless otherwise specially ordered or directed by the Governor as Commander in Chief, or other competent military or naval authority.

Section 138. DISCIPLINE IN THE NAVAL MILITIA: The Naval Militia shall be subject to the system of discipline prescribed for the United States Navy and Marine Corps, and the Naval Militia Officer in command of Naval Militia forces on shore or on any vessel of the United States Navy, loaned to the State, or any vessel on which such forces are training, whether within or without the State, or wherever, either within or without the State Naval Militia forces of the State shall be assembled pursuant to orders, shall have power, without trial by court-martial, to impose upon members of the Naval Militia the punishments which the Commanding Officer of the Vessel of the Navy is authorized by law to impose.

Section 139. TO BE MEMBERS OF THE UNITED STATES NAVAL RESERVE: Officers and enlisted men of the Naval Militia shall be required, in the discretion of the Secretary of the Navy, to be appointed or enlisted in the Naval Reserve in the grade, rank, or rating for which they may be found qualified in accordance with such special regulations as may be prescribed by the Secretary of the Navy. Unless within one year after the organization of any unit of the Naval Militia at least ninety-five percentum of its personnel has been appointed or enlisted in the Naval Reserve, it shall be disbanded, and thereafter, unless its organization, administration, and training conform to the standard prescribed by the Secretary of the Navy for such units, it shall be disbanded.

Section 140. WHEN RELIEVED FROM SERVICE OR DUTY: Officers and men of the Naval Militia, who are members of the Naval Reserve, shall stand relieved from all service or duty in said Naval Militia when on active duty in time of war or National emergency: Provided; That, officers and men of the Naval Militia

of Alabama, after being called, drafted or ordered into the Federal service and discharged therefrom, shall revert to their original status and shall resume their membership in the Naval Militia, and continue to serve in the Naval Militia until the date upon which their commission or enlistment entered into prior to the call, draft, or order, would have expired if uninterrupted.

Section 141. COURTS-MARTIAL IN THE NAVAL MILITIA: Courts-martial in the Naval Militia shall consist of general courts-martial, summary courts-martial, and deck courts. General courts-martial shall consist of not less than three nor more than thirteen officers, and may be convened by order of the Governor. Summary courts-martial may be ordered by the Governor or by the Commanding Officer of a Naval Militia Unit. Deck courts may be ordered by a Naval Militia Officer in command of a Naval Militia force on shore on on any vessel loaned to the State, or on any vessel on which said forces may be serving.

Section 142. JURISDICTION and PROCEDURE OF COURTS-MARTIAL AND DECK COURTS: The courts-martial and deck courts herein provided for shall be constituted and have cognizance of the same subjects and possess like powers, except as to punishments, as similar courts-martial provided for in the Navy of the United States; and the proceedings of courts-martial of the Naval Militia shall follow the forms and modes of procedure prescribed for such courts in the Navy of the United States.

Section 143. POWERS OF COURTS-MARTIAL: General courts-martial shall have power to impose fines not exceeding two hundred dollars, to sentence to forfeiture of pay and allowances, to a reprimand, to dismissal or dishonorable discharge from the service, to reduction in rank or rating; or any two or more of such punishments may be combined in the sentence imposed by such courts. Summary courts-martial shall have the same powers of punishments as general courts-martial, except that fines imposed by summary courts-martial shall not exceed one hundred dollars. Deck courts may impose fines not exceeding fifty dollars for any single offense; may sentence enlisted men to reduction in rank or rating, to forfeiture of pay and allowances, to a reprimand, to discharge with other than dishonorable discharge, or a fine in addition to any one of the other sentences specified.

Section 144. PROCESS OF COURTS-MARTIAL: Presidents of general courts-martial, senior members of summary courts-martial, and deck court officers of the Naval Militia shall have the power to issue warrants to arrest accused persons, and to bring them before the court for trial whenever such persons have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue commitments in carrying out sentences of confinement, and to issue subpoenas and

subpoenas duces tecum, and to enforce by attachment attendance of witnesses and the production of books, and papers, and to sentence for a refusal to be sworn or to answer, all as authorized for similar proceedings for courts-martial in the Navy of the United States. He shall also have power to punish for contempt occurring in the presence of the court. All processes, warrants, and sentences of such courts shall be executed by any sheriff or deputy sheriff, or any constable or police officer, of any county, city, or town, who shall be authorized by law to execute or serve any civil or criminal process.

Section 145. SENTENCE TO CONFINEMENT IN LIEU OF FINES: All courts-martial of the Naval, including deck courts, shall have the power to sentence to confinement in lieu of fines authorized to be imposed, and shall have the power to direct that, upon non-payment of a fine, the person convicted shall be confined in any county or city jail: Provided; That such sentence to confinement shall not exceed one day for each dollar of fine authorized: Provided Further; That, when Naval Militia forces are embarked on any vessel, the confinement in whole, or in part, may be had in prisons on said ship.

Section 146. DISMISSAL OR DISHONORABLE DISCHARGE: No sentence of dismissal or dishonorable discharge from the Naval Militia shall, except when the Naval Militia shall have been called into the service of the United States, be executed without the approval of the Governor.

Section 147. DISPOSITION OF FINES: All fines imposed by courts-martial shall be disposed of by the Adjutant General in accordance with the provisions of law governing the collection of fines imposed by courts-martial in the National Guard of Alabama.

Section 148. COURTS OF INQUIRY: Courts of Inquiry in the Naval Militia shall be instituted, constituted, and conducted in the same manner, and shall have like powers and duties, as similar courts in the Navy of the United States, except that they shall be ordered by the Governor.

Section 149. OATH OF OFFICERS AND ENLISTED MEN: Every officer and enlisted man, before he enters upon his duties, shall take and subscribe before any officer authorized to administer oaths, or before any duly commissioned officer in the Naval Militia, such oath of enlistment as may be prescribed by the Governor. Enlistments or enrollments shall be made concurrent with enlistments or enrollments in the Naval Reserve for a term of years now or herafter provided for the Naval Reserve of the United States or for a less period, if provided by law, for persons already members of the Naval Reserve.

Section 150. INTERPRETATION OF NAVAL MILITIA LAWS: In the interpretation of Sate laws governing the Naval Militia, the United States laws concerning the United States Navy

shall be followed as far as applicable, and the customs and Naval Reserve regulations of the United States Navy shall govern in all cases not otherwise specifically provided for.

Section 151. MAINTENANCE APPROPRIATION FOR HEADQUARTERS AND ORGANIZATIONS: In commutation of the maintenance expenses which each headquarters and organization of the National Guard and Naval Militia of Alabama bears in providing by purchase, rent, building, or otherwise procuring office room, drill room, and drill areas and other rooms and areas for the instruction, drill, and training purposes, and a safe place for the keeping of supplies, military equipment of every character, arms and ammunition and animals, and in defraying all expenses necessary and incident to the upkeep of the headquarters or organization, there shall be annually allowed to the commanding officer, or such other officer as the Governor may designate, in each headquarters, detachment and organization of the National Guard or Naval Militia of Alabama, out of the whole or such part of the headquarters and organization maintenance allowance provided in the annual budget, such sums as the State Military Advisory Board may determine and the Governor may approve, which sums shall be based on the administrative responsibility, the maintenance strength in officers, warrant officers, and enlisted men, and the initial value of the military property issued and in possession of the headquarters, detachment or organization; such allowance shall be paid quarterly: Provided; That, there shall be paid to each band the sum of eighteen hundred dollars ($1,800.00) per annum; such allowance shall be paid monthly. For the purpose of making such payment to a band under the provisions of this Section, a band shall be rated as a separate unit from the organization of which it is a part or to which it may be attached. To secure such allowances for any month or quarter, as provided in this Section, the Commanding Officer of the organization shall make application to the Adjutant General; such application to be accompanied by a sworn statement of all receipts and disbursements for such period as the Adjutant General may require; which statement shall be verified by vouchers showing evidence of payment of said money. Should the governor disapprove of any expenditure therein, it shall be deducted from the next quarterly or monthly allowance: Provided; That any unexpended monies allowed any headquarters or unit in the National Guard or Naval Militia of Alabama under the provisions of this Section shall be available for the purpose of purchasing grounds, buildings, repairing buildings, enlarging or otherwise changing buildings, purchase of uniforms, or for any other purpose that the Adjutant General may recommend and the Commander in Chief may approve.

Section 152. CALLING OUT TROOPS: The Governor may call out all, or such portion of the Militia and volunteer forces of the

State as may be deemed advisable, to execute the laws, suppress insurrection, and repel invasion.

Section 153. AUTHORITY: No portion of the National Guard or Naval Militia of Alabama shall be called into service, or be used in the enforcement of the laws of the State without the authority of the Governor, except in cases hereafter provided in this Act.

Section 154. CALL FOR RIOT DUTY: Whenever any circuit judge, city court judge, sheriff, mayor or intendant of any incorporated city, town, or village, shall have reasonable cause to apprehend the outbreak of any riot, rout, tumult, insurrection, mob or combination to oppose the enforcement of the laws by force or violence, within the jurisdiction in which such officer is by law a conservator of the peace which cannot be speedily suppressed or effectually prevented by the ordinary posse comitatus and peace officers, it shall forthwith become the duty of such judge, sheriff, city court judge, mayor intendant, to report the facts and circumstances in writing to the Governor, and request him to order out such portion of the Militia or volunteer forces of the State as may be necessary to enforce the laws and preserve the peace; and it shall therefore be the duty of the Governor, if he deems such apprehension well founded, to order out, or direct to be held in readiness, such portion of the Militia or volunteer forces of the State as he may deem advisable for the proper enforcement of the law; and he may direct the officer in command of the troops to report to the officer making such application, or to any officer named in this Section, to obey the orders of such civil officer; or if the Governor deems it advisable, may specially instruct the officer in command of such troops as to the duties required of them, and direct their execution under the immediate control of the Governor.

Section 155. WITHOUT PERMISSION OF THE GOVERNOR: Whenever any outbreak, tumult, mob, or riot, shall occur, or be imminent, or there shall be an assemblage of persons over ten in number, with the intent to commit a felony, or to offer violence to person or property, or with the intent to oppose or resist, by force or violence, the execution of any laws of this State, or any lawful process of any court or officer thereof, or the due execution, according to law, of any legal ordinance, or by-law of any municipal corporation, or any lawful process duly issued by an officer thereof, under such circumstances that timely application cannot be made to the Governor, and action had thereon by him, as provided in the last preceding Section, any of the civil officers mentioned in the last preceding Section, if he ascertains or has good reason to believe, that the ordinary posse comitatus, or civil power of the county, city, town, or village where such violation of the laws and peace of this State occurs, or appears imminent, is or would be unable promptly to suppress or prevent the same, may,

without first making application to the Governor, direct the highest Commissioned Officer of the National Guard of Alabama, in the county where such lawlessness exists, or is threatened, to call out and report with his command to such civil officer, to enforce the laws, and to preserve the peace; and it shall be the duty of such Commander, and all persons composing such command to obey such order.

Section 156. ORDER TO DISPERSE BEFORE USING FORCE: Before using military force in the dispersion of any riot, rout, tumult, mob, or other lawless or unlawful assembly, or combination mentioned in this Act, it shall be the duty of the civil officer calling out such military force, or some other conservator of the peace, or if none be present, then of the officer in command of the troops, or some person by him deputed to command the persons composing such riotous, tumultuous, or unlawful assemblage or mob, to disperse and retire peacefully to their respective abodes and businesses; but, in no case, shall it be necessary to use any set or particular form or words in ordering the dispersion of any riotous, tumultuous, or unlawful assembly; nor shall any such command be necessary where the officer or person, in order to give it, would necessarily be put in imminent danger of loss of life, or great bodily harm, or where such unlawful assembly or riot is engaged in the commission or perpetration of any forcible and atrocious felony, or in assaulting or attacking any civil officer, or person lawfully called to aid in the preservation of the peace, or is otherwise engaged in the actual violence to any person or property.

Section 157. FELONY FOR FAILURE: Any person or persons, composing of taking part in any riot, rout, tumult, mob, or lawless combination or assembly, mentioned in this Act, who, after being duly commanded to disperse as hereinbefore provided in the last Section, wilfully and intentionally fail to do so, is guilty of a felony, and must, on conviction, be imprisoned in the penitentiary for not less than one, nor more than two, years.

Section 158. TO DISPERSE MOB: After any person or persons, composing or taking part, or about to take part, in any riot, mob, rout, assault, or unlawful combination or assembly, mentioned in this Act, shall have been duly commanded to disperse, or where the circumstances are such that no such command is required under the provisions of this Act, the civil officer to whom such military force is ordered to report, or if there be no civil officer present, when such military force is ordered to report, (or if such command is acting under the direct order of the Governor), then such officer, within the limits provided in his instructions, shall take such steps and make such disposition for the arrest, dispersion, or quelling of the persons composing or taking part in any such mob, riot, tumult, outbreak, or unlawful combination or assembly, mentioned in this Act, as may be deemed requisite to that end, and if, in

doing so, any person is killed, wounded, or otherwise injured, or any property injured or destroyed, by the civil officer, or officer or member of the Militia or National Guard, or other person lawfully aiding them, such civil officer or members of the Militia or National Guard, or other person lawfully aiding them, shall be held guiltless in all cases, unless it be made to appear that such killing, wounding, or injury to person, or injury or destruction of property, was wanton or malicious and without any seeming necessity or excuse.

Section 159. ASSAULT ON TROOPS: Any person, who unlawfully assaults, or fires at, or throws any missile at, against, or upon any member or body of the Militia or National Guard, or civil officer, or other person lawfully aiding them, when assembling or assembled for the purpose of performing any duty under the provisions of this Act, must, on conviction, be imprisoned in the penitentiary for not less than two years, nor more than five years.

Section 160. NEED NOT AWAIT ORDERS: If any portion of the Militia or National Guard, or person lawfully aiding them in the performance of any duty under the provisions of this Act, are assaulted, attacked, or are in imminent danger thereof, the Commanding Officer of such Militia or National Guard need not await any orders from any civil magistrate, but may at once proceed to quell such attack, and take all other needful steps for the safety of his command.

Section 161. TO DISPERSE ON ORDER: Whenever any shot is fired, or missile thrown, at or upon any body of the National Guard or Militia, in the performance of any duty under the provisions of this Act, it shall forthwith be the duty of every person in the assemblage from which the shot is fired, or missile thrown, immediately to disperse or retire therefrom, without awaiting any orders to do so; and any person knowing or having reason to believe that a shot has been fired, or missile thrown, from any assemblage of which such person forms a part, or where he is present, and failing, without lawful excuse, to retire immediately from such assemblage, is guilty of a misdemeanor, and must, on conviction, be imprisoned in the county jail for not less than one month, nor more than one year; and any person so remaining in such assemblage, after being duly commanded to disperse, is guilty of a felony and must, on conviction, be imprisoned in the penitentiary for not less than one year, nor more than two, years.

Section 162. TO CLOSE UP STREETS, ETC.: Whenever any rout, riot, or mob, has occurred, or is progressing, or is so imminent that any portion of the Militia or National Guard is, or has been, called out for the performance of any duty under the provisions of this article, it shall be lawful for the civil officer, under whose order the Militia or National Guard are acting, or the Commanding Officer of such Militia or National Guard, if it be deemed advisable in subduing or preventing such mob or riot, or the out-

break thereof, to prohibit all persons from occupying or passing on any street, road, or place where the same is threatened, or where the Militia or National Guard may be for the time being, and otherwise to regulate passage and occupancy of such streets and places; any person, after being duly informed of such prohibition or regulation, who wilfully and intentionally, without lawful excuse, attempts to go or remain on such street, road, or place, and fails to depart after being warned to do so, is guilty of a misdemeanor and must, on conviction, be fined not more than one thousand dollars, and may also be imprisoned in the county jail, or sentenced to hard labor, for not more than one hundred days and in such case the officer in command of the National Guard or Militia may forthwith arrest persons so offending, and turn them over to some civil magistrate.

Section 163. TO PRESCRIBE LIMITS FOR PUBLIC: The Commanding Officer of any body of Militia or National Guard, guarding any jail, public building, or other place, or escorting any prisoner, may, if he deem it advisable, prescribe a reasonable distance in the vicinity of such jail, public building, or other place, or escort of such prisoner, within which persons shall not come; and any person knowingly and wilfully, without lawful excuse coming within such limits without the permission of such officer, and refusing to retire after being ordered to do so, shall be deemed guilty of a misdemeanor and must, on conviction, be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than three hundred days; and any person so coming and remaining in such limits in the night time is guilty of a felony, and must, on conviction, be imprisoned in the penitentiary for not less than one, nor more than two years; and in either case, it shall be the duty of the officer commanding such National Guard troops or Militia forthwith to arrest persons thus offending, and turn them over to some civil magistrate.

Section 164. TO REPORT TO GOVERNOR: Whenever any Militia or National Guard are ordered out by a civil magistrate, under the provisions of this Act, without first obtaining an order from the Governor, it shall be the duty of the civil magistrate, and also of the Commander of such Militia or National Guard, to report the facts as soon as practicable to the Governor; and in all cases the Governor may direct such Militia or National Guard to perform their duties under immediate orders.

Section 165. ORDERING OUT TROOPS: Whenever there is an insurrection or outbreak of a formidable character, which has overawed, or threatens to overawe, the ordinary civil authorities, and the authorities in such county, town, or city, have attempted and failed to quell the same by the use of posse comitatus, or it is apparent that such attempt would be useless, the Governor, on a certificate of such facts from any four conservators of the peace in

such county, city, or town, or from any circuit judge, probate judge, sheriff, or justice of the supreme court, shall immediately order out such portion of the National Guard or Malitia as he may deem necessary to enforce the laws and preserve the peace; and the Governor may, when the urgency is great, order out such troops without any certificate from either of the officers mentioned in this Section; but in no case shall the Governor keep in service in any county, city, or town, of the State for more than ten days, any troops or Militia, other than those raised in such county, except in time of invasion or actual insurrection, unless some justice of the supreme court or circuit judge, or four justices of the peace in such county, or the sheriff thereof, shall certify to him that the longer presence of such Militia or troops is requisite to the proper enforcement of the law, or the preservation of the peace therein.

Section 166. CHANGE OF VENUE: Any civil or military officer, or member of the National Guard or Militia, or any person lawfully aiding them in the performance of any duty required under the provisions of this Act, indicted or sued for any injury to person or property in endeavoring to perform such duty, shall have the right, and is hereby made the duty of the court in which such indictment or suit is pending, or sued, to remove the trial of the indictment or suit to some county free from exception, other than that in which the indictment was found or injury done.

Section 167. ORDER IN WRITING, AND USE OF DISCRETION: Any officer, whose command is called out under the provisions of this Act, and reporting to any civil magistrate, may require such magistrate to make such order in writing, and prescribe therein the outline of the duties required of him and his command, and may decline to obey such order until put in writing, and while such Commanding Officer must obey all lawful commands of such magistrate, such military officer may use his discretion as to the manner or carrying out such orders as long as he complies with their spirit.

Section 168: COMMANDING OFFICER MAY ORDER CERTAIN PLACES CLOSED: When any part of the Militia of Alabama is in active service by order of the Governor or other civil magistrate, to aid in the enforcement of the laws, the Commanding Officers of such troops may order the closing af any places where intoxicating liquors, arms, ammunition, dynamite, or other explosives, are sold, and forbid the selling, bartering, lending, or giving away of any of said commodities in the city, town, or village, where the troops are on duty, or in the vicinity of such place, or for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order or not; and the Commanding Officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor, or intendent of the county, city, or town

or village, may have prescribed an earlier or different date after which such selling, bartering, lending or giving away shall be carried on.

Section 169. UNAUTHORIZED MILITARY ORGANIZATIONS: Any two or more persons, whether with or without uniform, who associate, assemble, or congregate together, by or under any name, in a military capacity, for the purpose of drilling, parading or marching at any time or place or otherwise take up or bear arms in any such capacity, without authority of the Governor, must, on conviction, be fined not more than one thousand dollars. This Section does not apply to any school or college where military tactics are taught, nor to the order of Knights of Templar, Knights of Pythias, Patriachs Militant, or Uniform Rank Woodmen of the World.

Section 170. GUARDHOUSE ESTABLISHED. POWER TO INCARCERATE, ETC.: The Commanding Officer of any troops in camp, or in any other active military service of the State, may establish a guardhouse. In such guardhouse he may incarcerate any member of his command and any civilian guilty of drunkenness, breach of peace, or disorderly conduct within one mile of the camp, or station, of such troops. The Commanding Officer may cause the removal from the camp, or station, and the grounds within one mile thereof, of any drunk, disorderly, or disreputable person. If such persons return within the above limits without the permission of the Commanding Officer, or if such resist removal, they may be confined in the guardhouse until turned over to the civil authorities.

Section 171. POWERS OF COMMANDING OFFICERS IN ACTIVE SERVICE: The Commanding Officer of Troops in camp, garrison, or in the active service of the State, shall have the power to incarcerate and detain, until such person can be turned over to the civil authorities, any person guilty of drunkenness, breach of peace, or disorderly conduct, within one mile of such camp, garrison, or other defined military area. Such Commanding Officer shall have the authority to abate any menace to the health or safety of his command within one mile of his camp, garrison or other defined military area.

Section 172. ATTENDANCE OF OFFICERS AND MEN MAY BE ENFORCED: Whenever any part of the National Guard or Naval Militia of Alabama is called into the active military service of the State for any purpose whatever, the Commanding Officer may force the attendance of officers, warrant officers, and enlisted men, and any officer, or warrant officer, failing to report when ordered, or any enlisted man failing to report without satisfactory excuse, shall be judged by a court-martial, and shall be deemed and treated as a deserter and arrested and delivered by the

sheriff, or any other duly authorized civil officer, to the Commanding Officer at the expense of the State.

Section 173. DROPPING ALLOWANCE: There shall be appropriated as an item, known as the Dropping Allowance, in the military budget and included in the Regular Appropriations made by the Legislature from time to time, for the organization and maintenance of the National Guard and Naval Militia of Alabama, not more than one dollar per enlisted man per year. Expenditures therefrom will be for Federal property shortages of National Guard organizations that cannot be covered by Reports of Survey due to certain technical requirements of the Federal Government. The annual estimate of this Allowance shall be based on the actual enlisted strength of the National Guard and Naval Militia on the last day of June of each year. The funds expended as a Dropping Allowance shall be audited and accounted for in the same manner as other State funds which have been appropriated for military purposes: Provided; That the Dropping Allowance shall not exceed three thousand dollars ($3,000.00) per annum: And, Provided Further; That, the provisions of this Section shall be retroactive so that all property shortages existing previous to the date of approval of this Act, in addition to those that may occur after the date of approval of this Act, may be satisfied by the use of appropriations, made in the future for the purpose of carrying out the intent of this Section.

Section 174. CITY, COUNTY, AND OTHER LOCAL GOVERNING BODIES MAY APPROPRIATE ORGANIZATION AND MAINTENANCE FUNDS FOR MILITARY PURPOSES: The County Commissioners, Board of Revenue, or other governing body in each County, and the City Council and City Commissioners, or other governing body of a municipality, are hereby authorized and empowered, at their discretion, to appropriate such sums of money as they may deem wise and advisable, not otherwise appropriated, to pay the necessary organization and maintenance expenses, and appropriate monies for the purpose of furnishing Armories, office furniture and equipments, and lockers, training areas, target ranges, sheds for military vehicles, hangars for airplanes, shelter for Army animals and wagons, motor vehicles, artillery carriages and military equipment of every character, including flying fields and similar utilities, for military purposes of each detachment, company, troop, battery or group of these organizations, such as Battalions, Squadrons, and Regiments of the National Guard and Naval Militia located in their respective counties and municipalities, to be accounted for to the Governor by the organization receiving such appropriation, as herein provided in this Act for other military funds.

CITY, COUNTY, AND OTHER LOCAL GOVERNING BODIES MAY SELL, RENT, LEASE, DEVISE, GIVE, OR BE-

QUEATH REAL ESTATE AND BUILDINGS TO ORGANIZATIONS FOR MILITARY PURPOSES: The County Commissioners, Board of Revenue, or other governing body in each County, and the City Council and City Commissioners or other governing body of a municipality, are hereby authorized and empowered to sell, rent, lease, devise, give, or bequeath any real estate and buildings belonging to said county or municipality to any detachment, company, troop, battery, or group of these organizations, such as a Battalion, Squadron, and Regiment of the National Guard and Naval Militia, located in their respective counties and municipalities, for the purpose of erecting or furnishing Armories, offices, store rooms, training areas, target ranges, sheds for military vehicles, hangars for airplanes, shelter for Army animals and wagons, motor vehicles, Artillery carriages and military equipments of every character, including flying fields, and similar utilities for military purposes of each such detachment, company, troop, battery, or group of such organizations such as Battalion, Squadron, and Regiment. All sales, leases, transfers, devices, gifts, and bequests, under this Section, shall be in accordance with such rules and regulations as the State Military Advisory Board may recommend and the Governor may prescribe.

Section 175. REVOLVING FUND: In order to facilitate the execution of the purposes of this Act, and the necessary movements of troops and property, the Adjutant General shall have the authority to use a cash fund not to exceed two thousand dollars ($2,000.00) to be advanced to the State Property and Disbursing Officer, under the authority of the Governor, to be maintained and used as a Revolving Fund out of which expenses authorized by this Act may be paid, said Revolving Fund to be advanced, upon the approval of this Act, out of the Regular Military Appropriation provided in Section **176** of this Act, and to be reimbursed from time to time out of the fund against which the expenditure is properly chargeable, upon presentation to the Auditor of accounts, receipts, and vouchers, with orders attached, approved by the Governor, showing the legal expenditure of the amount sought to be reimbursed.

Section 176. REGULAR MILITARY APPROPRIATIONS: The Legislature of the State of Alabama shall appropriate, at each of its quadrennial sessions, a sufficient sum of money, based upon estimates and recommendations made by the Adjutant General, and approved by the Governor, for the purpose of paying the expenses incident to carrying out the provisions of this Act, and such other expenses connected with the organization, maintenance, support, upkeep, administration, armament, training, and discipline of the National Guard and Naval Militia of Alabama, and such other military expenses or expenditures of a general nature as may be to the interest and benefit of the National Guard or Naval

Militia as the Governor may approve. The Governor shall make such rules and regulations governing the disbursements of money, under the provisions of this Act, and all expenses authorized to be contracted by him shall be certified and verified by affidavit with itemized vouchers and orders attached.

Section 177. SPECIAL APPROPRIATIONS FOR THE MILITIA IN THE ACTIVE MILITARY SERVICE OF THE STATE: In addition to the monies to be appropriated for the purpose stated in Section 176, there *shall* be appropriated by the Legislature at each of its quadrennial sessions, out of the monies not otherwise appropriated, such sum as may be necessary for pay, subsistence, shelter, travel, and other necessary expenses of the Militia called into the active military or naval service of the State for the purpose of enforcing the law, preservation of peace, for the security of lives of citizens, for aid and relief of our citizens in case of disaster, and for the protection of property. The disbursement of all funds appropriated for the purpose of carrying out the provisions of this Act shall be with the approval of the Governor, under such rules and regulations as the Commander in Chief may prescribe.

Section 178. UNCONSTITUTIONALITY IN ANY SECTION NOT TO EFFECT OTHER SECTIONS: If any part or provision of any Section of this Act shall be declared unconstitutional, said unconstitutionality shall not effect or destroy any other part or provision or any other Section of this Act.

Section 179. REPEAL: That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved July 31, 1931.

No. 604) (H. 796—Stewart

AN ACT

To amend Section 31 of an Act approved September 9, 1927, entitled an Act to provide for and regulate further the care, support and maintenance of the poor and paupers of the several counties of the State of Alabama.

Be it Enacted by the Legislature of Alabama:

That Section 31 of an Act of the Legislature, approved September 9, 1927, entitled an Act to provide for and regulate further the care, support and maintenance of the poor and paupers of the several counties of the State of Alabama, be amended so as to read as follows: Sec. 31. A home having been established in any county or district, all persons, eligible to admission, who from any cause are unable to support and provide for themselves, and who have no one to care, support or provide for them, and are, or

are likely to become, a charge upon the County, shall be committed to said home, and the Court of County Commissioners, or Board of Revenue, cannot appropriate any money for the support of paupers outside such home, except in cases as provided for by provisions of this Act. After September 30th, 1929 the Court of County Commissioners, or Board of Revenue of a county cannot appropriate money from the public funds for the support or maintenance of a pauper who is not an inmate of a County or district home, except in case of emergency, as provided for elsewhere in this Act, and in case of temporary relief on account of illness, such relief cannot be extended beyond a reasonable length of time. Provided that where there is no established home for paupers or indigents, nor a County poor house in a County, or such home for paupers or indigents of County poor house is not of sufficient capacity to receive and house comfortably those persons in the County who, on account of indigency, are worthy charges upon the County to support, the Court of County Commissioners, Board of Revenue or like governing body of the County shall be authorized and empowered to arrange for the care and support of such indigent persons or paupers outside of the poor house or home for indigents at a sum for each pauper or indigent person not exceeding eight dollars per month. To provide that the provisions of this bill shall not apply to counties having a population of 60,000 or more according to the last or any subsequent Federal census. This act shall not repeal any local or special law.

Approved August 4, 1931.

No. 608) (H. 862—Kelly of Talladega

AN ACT

To create an Armory Commission for the State of Alabama and specify its authority and duties; to authorize said Commission to construct and maintain Armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, and the State and others to cooperate in and about the construction of Armories and providing drill and training areas and to assist in paying therefor; and to authorize municipalities and counties to convey to the State of Alabama lands owned by them on which to construct such Armories, whether such lands already be used for parks or other purposes.

Be it Enacted by the Legislature of Alabama:

Section 1. Organization Of Armory Commission: There is hereby created a body corporate to be known as the Armory Commission of Alabama, the members of which shall be the Governor, who shall be chairman, the Adjutant General, and the two highest ranking Line Officers on the active list of the Alabama National

Guard, together with three duly qualified electors of Alabama. Said commission may in its corporate name sue and be sued, contract and be contracted with, acquire real and personal property by gift, purchase or condemnation; and may do all things and exercise all rights and powers reasonably necessary to carry out and perform the duties intended or required by this Act, in the name of the State of Alabama. The members shall serve without compensation and shall be allowed their reasonable expenses incurred in attending meetings of the Commission or while traveling under orders for the performance of duty in connection with the business of said Commission. Said Commission shall hold regular meetings at Montgomery on the first Monday in March, June, September and December of each year, and special meetings on call of the Governor, after reasonable notice. The place of meeting may be changed by the Commission at any regular meeting. A majority of the members shall constitute a quorum for the consideration of business, but all contracts and agreements creating liabilities or indebtedness against, or requiring appropriation from, the Armory Fund, shall require the affirmative vote of a majority of all members of the Commission. In the absence of the Governor or Adjutant General, the Lieutenant Governor or an active officer of the National Guard designated by the Adjutant General may act for them, respectively.

Section 2. Providing Armories And Grounds For Training Purposes: The Armory Commission shall provide adequate Armories, buildings and grounds for the National Guard and Naval Milita of Alabama, for the purposes of drill, instruction and administration, and for the safe keeping of public property of the State and the United States issued to or for the use of the Alabama National Guard and Naval Militia, including animals, and for such purpose shall be charged with the adminsitration and expenditure of the Armory Fund. All expenditures from said fund authorized by the Commission shall be made upon vouchers authenticated by the Adjutant General and approved by the Governor.

Section 3. Acquiring Buildings And Grounds For Armory And Training Purposes: The Armory Commission may, either alone or in cooperation with counties, cities or incorporated towns, private corporations, voluntary unincorporated associations or individuals, construct, or acquire by purchase, contract, lease, gift, donation or condemnation, Armories, buildings, or grounds suitable for drill, instruction and administration and the safe keeping of public property, and make additions and improvements in or to such Armories and facilities, and either alone or with the like cooperation of others provide heat, light, water, telephone service, and other costs of operation and maintenance, including insurance. The amounts to be appropriated out of any Armory funds for the

construction and/or acquisition of Armories, and for the maintenance and/or rental of Armories shall, within the limits hereinbefore in this Section set forth, be wholly within the discretion of the Armory Commission.

Section 4. Joint Use Of Public Buildings And Grounds For Armories And Training Areas: The governing body of any county, and the governing body of any city or incorporated town, wherein a unit or units of the National Guard and Naval Milita of Alabama have been, or may hereafter be established, may either severally, or acting jointly with each other, or with the Armory Commission, construct or acquire by purchase, contract, lease, gift, donation or condemnation, grounds and/or buildings which shall be suitable for public assemblages, conventions, exhibitions and entertainments; Provided; That such buildings, or the plans and specifications therefor, are first approved by the Armory Commission as suitable for use as armories by the Alabama National Guard units established or to be established in such county, city or town: Provided Further: That, said governing bodies or either of them shall have contracted with the Armory Commission for the use of such buildings as an Armory by such National Guard unit or units upon terms not inconsistent with this Act.

Section 5. Public Grounds For Armory Building Purposes: Any municipality or county owning lands on which no permanent building has been actually constructed, whether such lands constitute part of a park or site for some public structure, is authorized to convey the same to the State of Alabama for use as a site for an armory for the Alabama National Guard: Provided; That such conveyance will not prevent the reasonable use of any such structure for the purpose for which it was constructed.

Section 6. Military Property Exempt From Taxation: All property actually used for Armory and military training purposes, as hereinabove defined, shall be exempt from all taxation, impost or assessment.

Section 7. Power Of Condemnation: The power of condemnation herein granted to the Armory Commission, and to counties, cities and incorporated towns, shall be exercised in manner prescribed in the Code of Alabama.

Section 8. Use And Disposition Of Armories: Whenever in the opinion of the Armory Commission it is practicable to do so, each Armory of the National Guard shall contain a room suitable for meetings of associations composed of veterans of the War between the States, the Spanish-American War, and the World War, and shall be available for such meetings under such rules and regulations as may be prescribed by the Commanding Officer of the National Guard unit or units using such Armory. The Armory Commission may permit the use of any Armory for assembly and other purposes of various patriotic and civic organizations such as

Confederate Veterans, Sons of Confederate and Federal Veterans, American Legion, Veterans of Foreign Wars, Daughters of the Confederacy, Chamber of Commerce, etc., as may be deemed advisable, where the use does not interfere with the use of the Armory by the National Guard unit or units occupying same. When the unit or units of the National Guard or Naval Militia occupying an Armory ceases to exist for any reason, the Armory Commission shall make a decision whether it is to the best interest of the State to keep the Armory or whether the same shall be sold and the proceeds deposited back in the Armory Fund, or if same should be rented and the proceeds placed in the Armory Fund. Any sales made must be public ones and have the time, place, and terms of proposed sale advertised for one month prior to sale in at least six daily newspapers of the State of which at least three must be outside the county in which the Armories are located, and each must be in different cities.

Section 9. Management And Care Of Armories: That the Armory Commission shall also constitute a Board for the general management and care of Armories, drill and training areas, when established, and shall have the power to adopt and prescribe rules and regulations for the management and government, and formulate such rules for the guidance of the organizations occupying them as may be necessary and desirable; said rules not to conflict with the provisions of this Act. For each Armory erected or provided, the Governor shall appoint, with the advice of the Armory Commission, a Board of Control to consist of one or more officers of organizations quartered therein. Such Board or officer of control may rent the Armory for temporary purposes subject to regulations to be prescribed by the Armory Commission, and the money derived from such rental shall be paid into the Treasury of the organization or organizations quartered therein.

Section 10. Sale Or Lease Of Armories: That when the aforesaid Armory Commission shall receive information from the Governor of the disbandment of an organization of the National Guard or Naval Militia of Alabama occupying or using an Armory provided by the State under the direction of the Armory Commission, it shall be the duty of said Commission to determine whether such Armory shall be sold or not, and if it is determined that such Armory shall be sold that, after due publication for the highest price to be paid for same, the proceeds of such sale shall be divided between the State, county, and city as their interest may appear: Provided; That in case an Armory becomes vacant by reason mentioned in this Section, the Armory Commission of the State may lease such Armory for the period not to exceed one year, or, when duly authorized by the Governor, may lease the same for a period of years, the proceeds therefrom in either case to be turned into the State Treasury to be credited to the State Armory Fund.

Section 11. City And County Aid For Armories: That, every city and county in the State of Alabama now having, or that may hereafter have, an active National Guard or Naval Militia organization or organizations within its boundaries is hereby authorized and empowered to render such financial assistance as it may deem wise and patriotic to such National Guard or Naval Militia organization, either by donating land or buildings, or donating the use of land or buildings, or by contributing money to their equipment and maintenance.

Section 12. Maintenance Of Armories: That in order that there shall be provided maintenance funds for Armories and other buildings erected, and areas provided for drill and training and other military purposes under the provisions of this Act, the Adjutant General of this State is authorized to pay out of the "Regular Military Appropriations" sums equivalent to, or not more than, the whole sums now or hereafter appropriated by the State for the upkeep and maintenance of National Guard or Naval Militia organizations under the heading of "Maintenance for Headquarters and Organizations" authorized under the Military Acts of the State of Alabama, in the discretion of the Governor upon the advice of the Armory Commission of the State.

Section 13. Reversions Of Donations: That in the event that any real property is donated to a National Guard or Naval Militia organization under the provisions of this Act, and the National Guard or Naval Militia organization, or organizations, shall fail or refuse to use same, or shall, after accepting same, be disbanded, the title to the real property thus donated shall revert to the person, county, city, or municipality donating the same as their interest may appear.

Section 14. Appropriation: The Legislature of the State shall appropriate at each of its quadrennial sessions such sums of money, not otherwise appropriated, as they may deem wise and advisable, or make other finance provisions, for the purpose of carrying out the provisions of this Act.

Section 15. If any Section, paragraph, clause, or separate provisions of this Act shall be held to be invalid, such fact shall not affect or render invalid any other Section, paragraph, clause or separate provision of the Act, it being the intention of the Legislature in enacting this Act to enact each Section, paragraph, clause and provision separately.

Section 16. This Act, and all and each of its various Sections and provisions, shall be liberally construed in favor of the purposes of the Act.

Section 17. All laws, or parts of laws, inconsistent, or in conflict with the provisions of this Act are hereby repealed.

Approved July 31, 1931.

No. 609) (H. 875—Snodgrass

AN ACT

To Amend Section 56 of An Act (no. 56) enacted by the Legislature of Alabama, approved February 25, 1931, to provide for and regulate and control primary elections for the nomination by political parties of candidates for public office within the State of Alabama.

Be it Enacted by the Legislature of Alabama:

That Section 56 be amended to read as follows: Section 56. That from the time the first primary is held until the polls close on the day of the second primary, as herein provided, no candidate and no committee of any candidates authorized by Section 588 of the Code of Alabama, 1923, shall expend any money or anything of value for any purpose tending in any way, directly or indirectly, to promote or aid in securing his nomination and election, except in defraying his own personal traveling expenses, his own personal hotel, telephone, telegraph and restaurant bills, and the costs of giving publicity to his candidacy in newspapers, over radio or by correspondence; and the violation of this provision shall be a corrupt practice and a misdemeanor. This provision shall not increase the limits of expenditures now or hereafter provided by law. This Act shall take effect upon its approval.

Approved August 4, 1931.

No. 610) (H. 935—Glover of Henry

AN ACT

For the relief of L. G. DeLoney, Principal of State Secondary Agricultural School of Abbeville, Alabama.

WHEREAS, on the 1st day of July, 1928, L. G. DeLoney was the duly elected or chosen principal of the State Secondary Agricultural School of Abbeville, Alabama, and that on said date he occupied and was in the full discharge of the duties of said position; and WHEREAS, as such principal it became his duty to collect handle and pay over to the Secretary-Treasurer of the State Agricultural and Demonstration Farms of the State of Alabama certain monies accruing from the operation of said farms; and, WHEREAS, in the conduct of the business in connection with the farm carried on and operated in connection with said School there are certain current expenses which could not be carried on the regular thirty-day bills, but had to be handled and taken care of by means of an expense account set aside and used for that specific purpose; and WHEREAS, in keeping with this practice and method and in order to meet such current expenses, Miss Audrey Brown, as Secretary-Treasurer of the State Agricultural Schools and Demonstration Farms, did, on the 31st day of December, 1928, issue her check in the amount of $250.00 payable to the said L. G. DeLoney, as such principal of said School, which said sum of money the said L. G. DeLoney did deposit in the Henry National Bank of Abbeville, Alabama; and WHEREAS,

on or about the 28th day of March, 1929, the said Henry National Bank of Abbeville, Alabama did close its doors, ceased to do a banking business, was placed in the hands of a Receiver, and its affairs liquidated; and that on the date said Bank closed there was on deposit of said amount of $250.00, as aforesaid, the sum of $130.94, which amount the said L. G. DeLoney was required to pay over and he has paid over to the said Secretary-Treasurer of the State Agricultural Schools and Demonstration Farms, when it was no fault on his part that said money was lost by being deposited in said Bank, and which said amount was a total loss to the said L. G. DeLoney by reason of the fact that on the final liquidation and closing up of the affairs of said Bank he failed to receive from said Bank any part of the said amount of money. Now, Therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That the Secretary-Treasurer of the State Agricultural Schools and Demonstration be and is hereby authorized and directed to draw her check in the sum of $130.94 payable to said L. G. DeLoney reimbursing and refunding to him said amount of money.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved August 1, 1931.

No. 611) (H. 951—Taylor

AN ACT

To further provide for the jurisdiction and powers of the State Pilotage Commission and authorize such Commission to prescribe and promulgate rules and regulations for the piloting of ships and all watercrafts into and out of all harbors and seaports in the State of Alabama and to provide that the State Pilotage Commission shall not have jurisdiction over harbor masters or deputy harbor masters.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Pilotage Commission is hereby vested with the power and authority to make all necessary rules and regulations, regulating the piloting of ships and all watercrafts into and out of any harbor or seaport in the State of Alabama. The power herein vested in this Act in said Commission shall be an additional power and authority for the regulating of piloting of ships and watercrafts as herein provided for and shall not be construed to repeal any powers and authorities that is now vested in said Pilotage Commission by law except as provided in Section 2 of this Act.

Section 2. The Pilotage Commission shall not have jurisdiction over harbor masters or deputy masters in any harbor or seaport in the State of Alabama.

Section 3. This Act shall take effect upon its passage and approval.

Approved August 1, 1931.

No. 617) (H. 1071—Tidwell

AN ACT

To Amend Section 6341 Of The 1923 Code Of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6341 of the 1923 Code of Alabama be and the same is hereby amended so as to read as follows: 6341—Increase Or Decrease Of Capital Stock.—Any bank incorporated under the laws of this state shall have power and authority to increase or decrease its capital stock in the following manner: (1) The Board of Directors of said Bank may pass a resolution stating that it is desirable to increase or decrease the capital stock of said bank, giving the amount of the paid in capital stock and the amount to which the Board of Directors think it wise to increase or decrease the capital stock, and ordering the officers of said bank to call a meeting of the stockholders to consider the matter of increasing or decreasing the capital stock. (2) The officers of said bank shall give a written notice to each stockholder, as shown by the books of said bank, by registered mail, addressed to him at his last known place of residence, postage prepaid, and deposited in the Post Office, for at least thirty days prior to the date of the meeting called by the Directors, and said notice shall contain a copy of, or the substance of, the resolution passed by the Board of Directors, calling the meeting to consider the matter of increase or decrease of the capital stock, so as to fully inform the stockholders of the proposed plans. However, when the consent of all the stockholders of a corporation has been given, waving the thirty days notice, said stockholders' meeting may be called at any time. (3) When the stockholders assemble and it is found that a majority of all the stock of said bank is present either in person, or by written proxy, the meeting shall be properly organized, and a resolution may then be introduced to increase or decrease the capital stock of said corporation in accordance with the resolution passed by the Board of Directors. If the holders of a majority of all the stock of said corporation vote for the increase or decrease of capital stock, then the resolution shall be considered duly and legally passed and the stock increased or decreased in accordance with the resolution passed by the said stockholders. (4) If the owners of a majority of all the stock of the corporation vote in favor of an increase or decrease of said capital stock, the President of the Bank shall prepare a certificate setting out a copy of the resolution passed by the Board of Directors, a copy of the notice to the stockholders (or a copy of the waiver of said notice), and a true copy of the resolution passed by the stockholders; said certificate shall be executed by the President and attested by the Secretary, under the seal of said corporation, and shall be acknowl-

edged by them before a Notary public, as deeds are required to be acknowledged by a corporation. (5) If the Superintendent of Banks, after examining the proceedings, finds that they are correct and approves the entire proceeding, he shall issue his certificate of approval in writing, in duplicate, one being filed in his office and the other attached to the certificate of said proceedings and forwarded to the Probate Judge of the County in which the bank is located, for record, at the expense of the institution affected. (6) When the capital stock is impaired by reason of losses and the Board of Directors desire to decrease the capital stock by charging off a part of the capital stock, which may have been surrendered for that purpose, in order to remove the losses from the bank, the Directors may pass a resolution decreasing the capital stock without the calling of a meeting of the stockholders provided the resolution passed by the Directors is certified to under the seal of the corporation by the President and attested by the Cashier and sent to the Superintendent of Banks for his approval. If such decrease of capital stock does not reduce the capital below the minimum amount required by law, the Superintendent of Banks may approve the same by attaching his certificate of approval in writing, in duplicate, one being filed in his office, and the other forwarded, along with the certificate, to the Probate Judge of the County for record, at the expense of the institution affected. In no case, however, shall the capital stock of a bank be decreased below the minimum amount required by law for the incorporation of banks in this state.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed, and that this act shall become effective upon its passage and approval by the Governor.

Approved August 4, 1931.

No. 618) (H. 1079—Beebe

AN ACT

To provide for the filling of vacancies in the office of Tax Assessor and Tax Collector in counties having a population of not less than 34,300 nor more than 36,300 according to the last or any subsequent Federal Census.

Be it Enacted by the Legislature of Alabama:

Section 1. Whenever a vacancy exists in the office of Tax Assessor or of Tax Collector in any County in this State, having a population of not less than 34,300 nor more than 36,300 according to the last Federal census or any subsequent Federal Census hereafter taken, the Governor is authorized and directed to appoint a person duly qualified by law to fill the unexpired portion of said term, but not beyond noon of the first day in October after the next

general election, and at the first general election after such vacancy occurs a person duly qualified by law shall be elected to take such office at noon on the first day in October after such general election and to fill the unexpired portion of the term.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its approval by the Governor.

Approved August 1, 1931.

No. 621) (H. 1093—Barber

AN ACT

To provide that official stenographers in all counties having 300,000 population or more according to the last or any subsequent Federal Census to be operated free of all costs to such counties of every nature, character and description whatsoever, and to prohibit such counties from paying any item of expense connected with the operation of such offices or the conduct of their business.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties of this State having a population of 300,000 or more according to the last or any subsequent Federal Census the official stenographers in such counties, other than those appointed to serve the criminal divisions of the Circuit Court, shall pay all expenses of every nature, character or description whatsoever for the conduct of their business and that the counties shall be and they are hereby prohibited from contributing any item of expense to the conduct of their business.

Approved July 31, 1931.

No. 622) (H. 1100—Hampton.

AN ACT

To amend section 6755 of the Code of Alabama, 1923, as amended by an Act approved February 18, 1927, amending subdivision 1 relative to authority of Commissioner's Courts.

Be it Enacted by the Legislature of Alabama:

That section 6755 of the Code of Alabama, 1923, as amended by an Act approved February 18, 1927, amending subdivision 1 be and the same is hereby amended so as to read as follows: Section 6755. (3313) (958) (746) (832) (704) Authority of court.—The court has authority—1. To direct and control the property of the

county as it may deem expedient according to law, and in this direction and control it has the sole power to locate the courts in the rooms of the court-house and to designate the rooms to be occupied by the officers entitled to rooms therein, including the circuit judge, if resident in the county, and to change the location of the courts, and the designation of the rooms for officers, as it may deem best and most expedient, and this shall be done by order of the court entered upon the minutes of the court at a regular term of court. In the event the courthouse is inadequate to supply office rooms for such officers, the court may lease such office rooms in a convenient location in the county site and to pay the rental from the county fund. 2. It shall be the duty of the court to provide a janitor for the court-house and to see that the janitor keeps clean and in a sanitary condition all courtrooms, corridors, halls and offices in the courthouses of their respective counties. 3. To levy a general tax, for general, and a special tax, for special county purposes, according to this Code. 4. To examine, settle, and allow all accounts and claims chargeable against the county. 5. To examine and audit the accounts of all officers having the care, management, collection, or disbursement of money belonging to the county, or appropriated for its use and benefit. 6. To make such rules and regulations for the support of the poor in the county as are not inconsistent with any law of the state. 7. To punish for contempt by fine, not exceeding ten dollars, and imprisonment not exceeding six hours. 8. To establish, abolish, enlarge, or change stock law districts, in the manner provided by law. 9. To subpoena, examine and compel the attendance of witnesses, and the production of books and papers before the court, in the same manner as the probate court. 10. To contract for and have made map or plat books showing all subdivisions of land that have been heretofore or that may hereafter be made in their respective counties. 11. To compromise on such terms as they may deem just, all doubtful claims in favor of the counties, when such claims arise on account of moneys heretofore paid in good faith, by order of such courts. 12. To make an appropriation, in no case to exceed seven hundred and fifty dollars per year, to install and maintain an exhibit of the agricultural and mineral resources of their respective counties. 13. In all counties in this state, where there are no poorhouses, organized or established in accordance with the laws of this state, courts of county commissioners, or boards of revenue in such counties, may make such appropriation in behalf of paupers or indigent persons entitled to relief from the county, not exceeding six dollars per calendar month for each person to meet the needs and expenses of such paupers or indigent persons, and it shall not be lawful for any court of county commissioners or board of revenue to let to the lowest bidder the maintenance of the poor. 14. To pay, at the regular legal rate, for the advertising of notice and substance of local bills, which

may be introduced in the legislature for the benefit of their respective counties, or in reference to subjects or matters exclusively relating to county business or affairs. 15. To appropriate in each calendar year, such sum of money as they may deem proper or expedient, toward defraying the necessary expenses of the operation, support, upkeep and maintenance of each division of the naval militia of the state that may be located in such county. 16. To procure and provide telephones for the offices of the circuit judge, the clerk and register of the circuit court, the offices of the sheriff and jailer, tax assessor and tax collector, and the judge of probate in their respective counties, and to pay for the same out of the general funds of the county; and said court of county commissioners or boards of revenue, or like body may, in like manner and for the same officer, establish telephones in both courthouses where the said officers maintain two offices in the county; and must install such telephone upon the request of the officer entitled thereto. 17. To make appropriations out of the county treasury to pay premiums on live stock that may be exhibited in live stock shows held in the county. 18. Where the state or federal authorities have taken up the works of farm demonstration, or the organization of farm life clubs for the promotion of agriculture, to appropriate for aiding in such work such sum or sums as the county commissioners or board of revenue may deem adequate and necessary. 19. To expend money for the purpose of improving the sanitary conditions of their counties by laying trunk lines of sewers and constructing sewage disposal plants in localities contiguous to thickly populated communities and to prescribe the terms on which the owners of houses or householders may connect with such lines of sewers; but no such lines of sewers shall be laid without the written approval of the executive officer of the state board of health, such approval to be based on the belief that the laying of any proposed line will materially improve health conditions. 20. To appropriate money to promote or enforce the health and quarantine laws of the state for the benefit of the county and its inhabitants, when requested so to do by the state board of health. 21. To pay out of any funds in the county treasury, all the expenses, including a reasonable attorney's fee, incurred by the county treasurer in resisting the payment of any warrant, where said resistance on the part of the county treasurer is successful. 22. To set aside such part of the revenue of the county as may be deemed expedient for the purpose of creating a sinking fund for the payment of bonds or other indebtedness and to invest such sinking fund in such interest-bearing securities, or deposit the same on interest-bearing account, within the state, as said court may deem wise. 23. To set aside, appropriate and use county funds or revenues for the purpose of developing, advertising and promoting the agricultural, mineral, timber, water, labor, and all other resources of every kind of their respective counties, and for

the purpose of locating and promoting agricultural, industrial, and manufacturing plants, factories and other industries in their respective counties. 24. To insure insolvent companies the courthouse, jail, machine shops and other buildings of the county against loss by fire and storm, to insure in solvent companies the trucks, tractors, gas shovels, graders, automobiles and other personal property of the county against loss by fire and theft and against liability for damages to person and property. Payments heretofore made for these purposes are validated. 25. To exercise such other powers as are, or may be, given by law.

Approved July 31, 1931.

No. 624) (H. 1125—Miller.

AN ACT

To make appropriations to the Alabama Boys Industrial School.

Be it Enacted by the Legislature of Alabama:

Section 1. That the sum of Two Hundred and Seventy ($270.00) Dollars per year for each inmate of the Alabama Boys Industrial School, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for each of the years of the quadrennium, beginning October 1, 1931 and ending September 30, 1935, and the state Auditor is hereby authorized and directed to draw his warrant quarterly on the State Treasury in favor of the treasurer of the Alabama Boys Industrial School for the payment of the amounts due said school; said amounts to be determined by affidavit of the Superintendent or Treasurer of said school at the beginning of each quarter, which affidavit shall show the number of inmates of said school, who were in said school on the last day of said quarter.

Approved July 30, 1931.

No. 626) (H. 1131—Parker

AN ACT

Stockholders of Corporations and members of Firms, Association and Partnerships shall have right of examination of said business.

Be it Enacted by the Legislature of Alabama:

Section One. The stockholders of all Corporations and members of all Firms, Associations and Partnerships shall have the right of access to, and of inspection and examination in person or by

agent of the books, records and papers of the Corporation, at reasonable and proper times.

Section Two. This Act shall take affect immediately upon its approval by the Governor.

Approved July 30, 1931.

No. 627) (H. 1132—Parker

AN ACT

To authorize and empower the Courts of County Commissioners in all Counties of Alabama which now have or may hereafter have a population of less than fifteen thousand according to the last or any subsequent Federal Census to use twenty per cent of the funds derived from the excise tax on gasoline or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing penalties for the violation of any of the provisions of this Act," which is to be paid to said counties under the provisions of Sec. 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to, and to further provide for, the general revenue of the State of Alabama," for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of said counties which are now outstanding, or for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of said counties hereafter issued for the refunding of any of said bonds not paid at the maturity thereof.

Be it Enacted by the Legislature of Alabama:

Section One. That the Courts of County Commissioners of all counties in the State of Alabama which now have or may hereafter have a population of less than fifteen thousand according to the last or any subsequent Federal Census be, and hereby is, authorized and empowered to use twenty per cent of the funds derived from the excise tax on gasoline, or other liquid motor fuels, levied under the Act of the Legislature of Alabama, approved February 10, 1923, entitled, "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline, or other liquid motor fuels engaged in the business of selling or distributing gasoline, or other liquid motor fuels, in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom, and fixing the penalties for the violation of any of the provisions of this Act," which is to be paid to such counties under the provisions of Section 83 of the Act of the Legislature of Alabama, approved August 22, 1923, entitled, "An Act in reference to, and to further provide for, the general revenue of the State of Ala-

bama," for the purpose of paying interest on and establishing a sinking fund for the retirement of, any bonds of either of said counties which are now outstanding, or for the purpose of paying interest on and establishing a sinking fund for the retirement of any bonds of said counties hereafter issued for the purpose of refunding any of said bonds not paid at maturity.

Section Two. That upon final payment of said bonds described in Section One of this Act all funds received by said counties from the excise tax on gasoline or other liquid motor fuels shall be used as provided by the general laws of the State of Alabama.

Section Three. That the provisions of this Act shall take effect on the first of the month following its approval by the Governor.

Approved August 1, 1931.

No. 628) (H. 1138—Green.

AN ACT

To regulate the business and trade of plumbing in all counties in this State having a population of 100,000 or more according to the last or any subsequent Federal Census, to create a Board to be known as the Board of Plumbers Examination and Registration of Alabama; to provide for the appointment of the members of said Board of Plumbers Examination and Registration of Alabama, and to provide for the appointment of successors of the members thereof and for the organization of said board and for the remuneration of the members and officers thereof; to specify the powers and duties of said Board of Plumbers Examination and Registration and to provide the ways and means of collecting funds for its maintenance and functioning; to define the terms "plumbing" "master plumber" and "journeyman plumber" for the purposes of this Act; to provide for the examination, registration and licensing of master plumbers and of journeyman plumbers engaged, engaging or desiring to engage in the business or handicraft of plumbing within such counties and to fix the fees to be assessed of applicants for examination, registration and licensing as such master plumbers or journeyman plumbers and for the renewals of such registrations and licenses; to authorize and empower said Board of Plumbers Examination and Registration of Alabama to conduct investigations and hearings of and concerning and violations of this Act and to grant unto said Board of Plumbers Registration and Examination the power and authority to revoke after hearing, any license issued by said Board on account of any violation or violations of any provision or provisions of this Act by any master plumber or any journeyman plumbers who may violate any of the provisions of this Act and to provide further penalties for any violation or violations of the provisions of this Act, and to provide for appeal to the various Circuit Courts of Alabama by any aggrieved person from any order, ruling, decree or revocation of such license by said Board of Plumbers Examination and Registration of Alabama and to provide for a seal and its use by said Board; and to repeal all laws in conflict herewith.

Be it Enacted by the Legislature of Alabama:

Section 1. That a Board to be known as a Board of Plumbers Examination and Registration of Alabama is hereby created, said

Board to consist of five members who shall be appointed by the Governor of Alabama. Two of said members shall be master plumbers as defined by this Act; two shall be journeyman plumbers as defined by this Act; and one shall be a duly qualified Health Officer of Alabama or of some political subdivision thereof, or of a sanitary or civil engineer engaged in the public health work in Alabama. There shall be a list submitted to the Governor containing the names of four licensed Master plumbers, four journeyman plumbers and a list of two Health Officers or sanitary or civil engineers submitted by the State Board of Health and the Governor shall appoint the members of the Board from said lists.

Section 2. That each member of said Board of Plumbers Examination and Registration of Alabama shall serve for a term of four years and until his successor is duly appointed and qualified except as hereinafter specified. An unexpired term of any member of said Board caused by death, resignation or otherwise shall be filled by appointment of the Governor of Alabama. Of the first appointee hereunder, one journeyman plumber and one master plumber shall be appointed for a term of two years, one journeyman plumber and one master plumber for a term of three years and the remaining member for a term of four years.

Section 3. That the members of said Board shall, within ninety days after their appointment, meet at the capitol building in Montgomery, Alabama, and shall organize and elect for a term of one year, one of their members as president of said Board and another of their members as secretary-treasurer of said Board and thereafter shall meet in regular annual session on the first Monday after January 1st, of each year in the capitol building in Montgomery, Alabama; and special called meetings of said Board may be held upon the written request of any two or more members of the Board handed to the secretary-treasurer who shall within twenty-four hours thereafter in writing notify all members of the Board of said special called meeting of the Board and such special called meetings of the Board shall be called to convene at 12 o'clock noon at place such as specified in call, within not more than ten days, nor less than five days from and after the date upon which said request of said two or more members for said special called meeting is handed to the secretary-treasurer. Three members of the Board shall constitute a quorum for the transaction of any business which may come before the Board, whether said meeting be a regular annual meeting or a special called meeting. The Board is hereby authorized and empowered to make such reasonable rules and provide such printed forms to be used as shall be necessary to govern its proceedings and to effectuate the provisions of this Act. The secretary-treasurer of the Board shall keep a detailed record of the proceedings of all meetings of the Board and shall also keep and maintain an official register of all applicants for examination, regis-

tration and license. Said official register shall show the name, age, nativity, date of application and date of examination and the date of license of such said applicants as shall have submitted themselves for examination and have been duly licensed. And said official register shall show said applicant was examined where and when such examination was held and whether or not said applicant was licensed or was rejected and refused license by said Board, and said official register or a copy of the proceedings therein relative to any person, thing or matter and duly certified to by the secretary-treasurer under the official seal of the Board thereto affixed shall be prima facie evidence of all matters relating to the records contained in said official register; and said official register shall at all reasonable times be open to the public; and of its contents the secretary-treasurer shall be required to certify as aforesaid upon the written request of any person who shall pay to the secretary-treasurer of the Board a fee of one dollar ($1.00) for each and every page or portion of a page of said official register which the secretary-treasurer shall be so requested to furnish and to certify. The official seal of the Board herein referred to shall include the words "Board of Plumbers Examination and Registration of Alabama, Official Seal" and shall be affixed by impressed imprint to such documents as are required by this Act to bear said seal.

Section 4. The word "plumbing" within the meaning and for the purpose of this Act shall be held to mean and include: (a) All piping, fixtures, appliances and appurtenances in connection with the drainage, ventilation of the same or water supply system within a building, residence or structure to a point from three to five feet outside of the same. (b) The construction and connection of any drain or waste pipe carrying domestic sewerage from a point within three feet to five feet of the outside walls of any building, residence or structure with the sewer service or other disposal terminal, and the alteration of any such system drain or waste pipe, except the construction of sewer mains and branches by public utilities or municipalities where the responsibility is their's or assumed by them. (c) The water service piping from a building, residence or structure to the mains in street, alley or other terminal, except the tapping of water mains, the service to the street, curb or building line, the setting of meters and boxes by public utilities or municipalities where the responsibility is their's or assumed by them. (d) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement, and to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or effect trap seals, or retard the discharge from plumbing fixtures or permit sewer air to escape into the building, residence or structure. A "journeyman plumber" within the meaning and for the purpose of this Act shall be held to mean and to include any person other than a master

plumber, who, as his principal occupation, is learned in the actual, practical, physical installation of plumbing as a handicraft or trade. A "master plumber" within the meaning and for the purposes of this Act shall be held to mean and to include any person, firm or corporation engaged in or proposing to engage in the business of contracting to do or superintending the installation of plumbing, either or both; but if such applicant for registration be an individual, he must either qualify himself to be a licensed master plumber or must continually keep in his active employ a duly registered and licensed master plumber; and if such licensee be a firm or corporation, at least one active member of such firm or corporation must be a duly registered master plumber, actively continuously connected with the conduct of said business.

Section 5. That each of the members of said Board of Plumbers Examination and Registration of Alabama shall be paid as compensation for their services the sum of eight dollars ($8.00) per day and every day necessarily spent in active service in connection therewith and in performance of their official duties as such together with the necessary reasonable expenses in the discharge of their said official duties; and in addition thereto the secretary-treasurer of said Board shall receive such additional compensation for his service as secretary-treasurer as shall be fixed by said Board, not to exceed fifteen hundred ($1500.00) dollars per annum. The same to be paid in monthly installments. Said expenses of the members of the Board and said additional compensation of the secretary-treasurer shall be paid out of the funds received by the Board as provided for by this Act. No part of the compensation of said Board members or of said secretary-treasurer and no part of any other expenses of said Board shall be paid out of the State Treasury. All moneys received by the Board in excess of said compensation and expenses of the Board shall be held by the Secretary-treasurer of the Board to be used in meeting the other necessary expenses of the Board including the cost of publication of the annual reports of the Board and such other expenses of the Board as shall be reasonably incident to the carrying out of the provisions of this Act.

Section 6. The Secretary-treasurer of the Board shall before entering on the duty of his office make and file with the Secretary of State an official bond in the sum of two thousand ($2,000.00) dollars premium on the same to be paid out of the funds of said Board, said bond must be executed by some approved bonding or guaranty company acceptable to the Board.

Section 7. The individual members of the Board may, when when such member deems it expedient, issue temporary revocable permits to persons applying for permission to be examined and licensed either as a master plumber or as a journeyman plumber. The application for such temporary revocable permit shall be made

upon proper blanks prepared by the Board and signed by the applicant setting forth under his oath his age, color, place of birth, post office address and such other information as the Board shall reasonably require. Said temporary revocable permit shall entitle its holder to engage in the business of master plumber or in the trade of journeyman plumber, as the case may be, only until the next examination of applicants shall be held by the Board, and shall be subject to revocation by the Board because of error or fraud in its issuance or incompetency of the holder whereof as in the case of the revocation of the regular licenses issued by the Board and in the same way and manner after citation of the holder thereof and proper hearing. Any person heretofore not required to be licensed and who on date of passage of this Act was engaged or worked at the business of master plumber and who is required to be licensed under this Act, shall, upon furnishing the Board with satisfactory evidence of having been so engaged on said date, and of having the necessary qualifications, shall be granted a master plumber's or journeyman plumber's license without examination provided he make application prior to January 1, 1932, and pays the prescribed fee.

Section 8. Application for a license either for a master plumber or for a journeyman plumber must be made to the Board upon printed blanks furnished by the Board, such blanks to contain spaces thereon to be filled in by the applicant showing his name in full, his age, nativity, color, and place of residence or employment and the length of time he has been engaged in the practice of the calling and with whom for which he seeks license and shall have posted thereon in a space set aside therefor a recent photograph of the applicant, and said application shall be signed by the applicant for registration and license of a master plumber shall be accompanied by a fee of fifteen ($15.00) dollars and each such application for a registration and license as a journeyman plumber shall be accompanied by a fee of five ($5.00) dollars. If the applicant successfully stands the examination required of him by the Board, the secretary-treasurer shall officially register such successful applicant and a license to practice the business of master plumber or the trade of journeyman plumber, as the case may be, and such license shall entitle the holder therof to engage in such business or trade until and including the 31st day of the next following December. Such license shall be renewed without application or examination upon the first day of January, unless same be a legal holiday or shall fall upon the first day of the week, commonly called Sunday, and in either event shall then be issued upon the second day of January or the next succeeding week-day January 1st upon the payment by such licensed master plumber of a renewal fee of ten dollars ($10.00) and upon the payment by such licensed journeyman plumber of a fee of two dollars and fifty cents ($2.50) but no licensed master

plumber or journeyman plumber may have his license renewed later than January 31st unless he pay the full fee for registration and license of fifteen ($15.00) dollars for a master plumbers or five dollars for a journeyman plumbers as the case may be provided any applicant for a license herein provided for who is denied such license by the Board may appeal from such decision of the Board to the Circuit Court of the County in which he lives, does business or is employed.

Section 9. Every holder of a master plumber's license and who is engaged in such business in Alabama shall display in a conspicuous place at the entrance of his place of business a sign bearing his name and the words "Licensed Master Plumber" in letters not less than three inches high, no person, firm or corporation other than a licensed master plumber shall use or display the title "master plumber" or "Licensed Master Plumber" or shall append his name to such title or use in connection with his name or business any other similar title or words which may represent or tend to represent such person, firm or corporation as being a licensed master plumber.

Section 10. The Board, on its own initiative or upon written complaint lodged with the Board and signed by the person making such complaint may make investigation and conduct hearings with reference to any violations of any of the provisions of this Act. If the Board finds as a result of such hearing that the holder of a license has obtained same through error or fraud, is incompetent or has willfully violated any of the provisions of this Act, the Board shall forthwith revoke said license; but no hearing of such complaint against any licensee hereunder shall be held until such license shall have had at least ten days notice of such hearing, said notice to be given to such licensee by serving upon the licensee a copy of the complaint in writing. Said complaint and notice of hearing shall state the time and place of hearing which must be held within the plumbing district in which said licensee resides, is in business or is employed. Said notice and complaint shall be served upon the licensee complained against by a member of the Board or by the sheriff of the County in which said licensee resides, does business or is employed, and return of said service made to the Board as in the case of the service of process in a civil suit. Within ten days after such service of said complaint the licensee complained against may file answer thereto with the Board, and said hearing shall be public. The testimony adduced at said hearing along with all the other proceedings shall be taken down by a competent stenographer, and shall be preserved as a record of the Board, and shall be open to public inspection at all reasonable times. No licenses shall be issued to any licensee whose license shall have been revoked by the Board after such hearing until one

year from and after the date of such revocation unless the licensee whose license shall have been so revoked shall enter into a bond with good and sufficient sureties in the penal sum of one thousand ($1,000.00) dollars to faithfully comply with the provisions of this Act, provided, however, that such licensee whose license shall be so revoked may within five days after such revocation appeal from the Board's decision or revocation to the Circuit Court of the County in which said licensee resides, does business or is employed.

Section 11. Each and every applicant for registration and license as a master plumber shall be examined by the Board as to his knowledge and skill in supervising, controlling, doing or performing plumbing in a sufficient number of questions to thoroughly test his knowledge and fitness to be a registered and licensed as a master plumber. Each and every applicant for registration and license as a journeyman plumber shall be examined by the Board in a sufficient number of questions to thoroughly test his knowledge and fitness to do practical plumbing work, and in addition thereto, the Board may require such applicant as journeyman plumber to do and perform such actual practical physical tests as shall be deemed by the Board expedient. Said examination, both as to questions and answers, shall be as far as practicable, be in writing; but should it become apparent to the Board that injustice would be done any particular applicant as a journeyman plumber to require him to answer the questions in writing, the Board may submit the questions to such applicant orally, and his answers thereto may also be oral. The examinations the Board shall prescribe shall be of a uniform, fair and impartial nature, so as to test the knowledge, skill and ability of each applicant for registration and license.

Section 12. It shall be unlawful for any person to do or perform, or to contract, direct or superintend any plumbing done within any incorporated town, village, city in any such county in the State of Alabama unless regularly licensed so to do as provided by this Act.

Section 13. Any person who shall engage in the business of master plumber, or in the trade of journeyman plumber for a compensation, valuable consideration or reward in any such county without first obtaining the license required by this Act, or who shall violate any other provision of this Act, or who shall knowingly and willfully make any false statement to the Board concerning his application to or his examination by the Board, with intent to deceive shall be guilty of misdemeanor, and in addition to the revocation of his license by the Board, shall be fined not less than ten ($10.00) dollars, and not more than five hundred ($500.00) dollars for each offense, and each days violation shall constitute a separate offense.

Section 14. All laws and parts of laws in conflict with any provision of this Act are hereby repealed.

Section 14½. The provisions of this Act shall not apply to counties of this State having a population of less than 100,000 according to the last or any succeeding Federal Census.

Section 15. This Act shall take effect sixty days after its approval by the Governor.

Approved August 4, 1931.

No. 629) (H. 1147—Beebe

AN ACT

To fix the salary of the Chief Clerk in the Office of the Secretary of State of the State of Alabama and to provide for the payment of such salary.

Be it Enacted by the Legislature of Alabama:

Section 1. That the salary of the Chief Clerk in the office of the Secretary of State of the State of Alabama be and the same is hereby fixed in the sum of Three Thousand Six Hundred ($3,600.00) annually, payable in equal monthly installments and payable as salaries of other state officers are paid.

Approved August 4, 1931.

No. 630) (H. 1157—Lancaster

AN ACT

To provide that in all Counties in the State having a population of not less than Thirty-four Thousand and not more than Thirty-six Thousand, according to the last or any subsequent Federal Census, no person shall be liable to work on the public roads or required to pay money in lieu of road duty.

Be it Enacted by the Legislature of Alabama:

Section 1. In all counties in this State having a population of not less than Thirty-four Thousand and not more than Thirty-Six Thousand according to the last or any subsequent Federal Census, no person shall be liable to work on the public roads or be required to pay money in lieu of road duty.

Section 2. All laws and parts of laws, either general or special, in conflict herewith are hereby repealed.

Approved August 4, 1931.

No. 631) (H. 1163—Miller

AN ACT

To fix the salaries of the chief clerk in the State Auditor's office and the chief clerk in the Treasurer's office and to provide for the payment of such salaries.

Be it Enacted by the Legislature of Alabama:

that the salary of the chief clerk in the office of the State Auditor and the salary of the chief clerk in the State Treasurer's office be and the same are hereby fixed in the sum of three thousand six hundred dollars annually payable in equal monthly installments and payable as salaries of other state officers are paid.

Approved August 4, 1931.

No. 633) (H. 1177—Beebe

AN ACT

To Authorize All Public Boards Empowered To Borrow Money To Issue As Evidence Of Loans Made Negotiable Semiannual Coupon Certificates Of Indebtedness.

Be it Enacted by the Legislature of Alabama:

Section 1. That all public board heretofore authorized or which may be authorized by the Legislature to borrow money be and they are hereby authorized and empowered to issue as evidence of said loans so authorized negotiable semiannual interest bearing coupon certificates of indebtedness.

Section 2. This Act shall take effect immediately upon its passage and approval.

Section 3. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Approved July 30, 1931.

No. 634) (H. 1179—Tate

AN ACT

To fix the compensation or salary of Probate Judges of the State of Alabama in Counties having more than 300,000 population according to the last or any succeeding Federal Census and to provide for the method, bases and payment of any such compensation and to fix the effective date of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all Counties of this State having more than 300,000 population according to the last or any succeeding Federal Census the Probate Judge of any such County whose compensation

is fixed on a salary bases shall receive as a salary the sum of $7500.00 per annum, payable in equal monthly installments out of the County Treasury, in the same way and manner as the salary of any other County officers are now paid.

Section 2. That this Act shall take effect on the 15th day of January, 1935.

Approved July 30, 1931.

No. 635) (H. 1180—Tate

AN ACT

To fix the compensation or salaries of Sheriffs of the State of Alabama in Counties having more than 300,000 population according to the last or any subsequent Federal Census, and to provide for the method, bases and payment of such compensation and to fix the effective date of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this State having more than 300,000 population according to the last or any succeeding Federal Census, the Sheriff of any such County whose compensation is fixed on a salary bases shall receive as a salary the sum of $7500.00 per annum payable in equal monthly installments out of the County Treasury, in the same way and manner as the salary of other county officers are now paid.

Section 2. This Act shall take effect on the 15th day of January, 1935.

Approved July 30, 1931.

No. 637) (H. 1185—Morrow

AN ACT

To provide that in all Courts of Inferior Jurisdiction in counties in this State which have a population of 300,000 or more according to the last or any subsequent Federal Census that the Sheriff, constables or other officers of said Court may serve subpoenas, writs of garnishment and notices of interrogatories by Registered Mail and to provide that return receipt signed by the party to be served shall be construed to be as personal, sufficient and legal service of all such processes; and to fix the duty of the officers of said Court in event that said processes are returned without being delivered to the addressee.

Be it Enacted by the Legislature of Alabama:

Section 1. That after the passage and approval of this Act the Sheriff, constables or other officers of all Civil Courts of Inferior Jurisdiction in Counties in this State having a population of 300,000

or more according to the last or any subsequent Federal Census may serve all subpoenas, writs of garnishments and notices of interrogatories by Registered mail. That such officers in serving the processes herein named shall enclose the same in an envelope addressed to the person to be served and shall demand a return receipt which demand shall be indorsed on the envelope and shall place thereon all necessary postage.

Section 2. That when the return receipt signed by the addressee is returned by the Post Office Department of the United States the officer shall thereupon mark the process executed and it shall be considered for all purposes as personal, sufficient and legal service.

Section 3. That in the event such processes so mailed shall be returned by the Post Office Department of the United States without delivery to the addressee the officer shall immediately by himself or his deputy make every effort to personally serve said process.

Section 4. The provisions of this Act shall not apply to any process returnable before the Court instanter.

Approved July 30, 1931.

No. 638) (H. 1189—Goodwyn.

AN ACT

To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this Act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the county tax assessors and county tax collectors of this State in all counties having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties.

Section 2. Said tax collectors shall report and pay over the money collected under this act for said counties and municipalities

at the same time and in the same manner as State and County taxes are reported and paid over by him.

Section 3. Said assessors and collectors shall each receive a commission of 5% of the amount of city or municipal taxes collected, and the tax collectors shall deduct said commissions from the amount collected before paying into the treasury of such cities or municipalities, and at the same time pay over to the tax assessor commissions due him under this act. The commissions paid to the said assessors and collectors for performance of the services as required under this act shall be in addition to any salary or compensation now received by them from the State or any of such counties.

Section 4. That all laws or parts of laws, local or general, in conflict with the provisions of this Act shall be and the same are hereby repealed.

Approved August 1, 1931.

No. 640) (H. 1195—Robinson

AN ACT

To provide for educational opportunities for the children of soldier, sailors, and marines who were killed in action or died during the World War; to provide an appropriation, to define its uses and administration.

Be it Enacted by the Legislature of Alabama:

Section 1. The sum appropriated under the provisions of this act shall be used for the sole purpose of providing for matriculation fees, board and room rent and books and supplies for the use and benefit of the children not under sixteen and not over twenty-one years of age and who have for twelve months had their domicile in the State of Alabama, of those who were killed in action or died from other cause during the World War, from April 6, 1917, to July 2, 1921, while serving in the Army, Navy or Marine Corps of the United States or as a result of such service; which children are attending or may attend a state educational or training institution of a secondary or college grade. Said children shall be admitted to state institutions of secondary or college grade free of tuition.

Section 2. The amounts that may be or may become due to any educational or training institution, not in excess of the amount specified in section three hereof shall be payable to such institution from the fund hereby created on vouchers approved by the State Board of Education. Said Board shall determine the eligibility of the children who may make application for the benefits provided for in this act; satisfy itself of the attendance of such children at any such institution and of the accuracy of the charge or charges

submitted to said Board by the authorities of any such institution, on account of the attendance thereat of any such children. Provided, that no member of said Board or the Secretary shall receive any compensation for such services.

Section 3. The sum of twenty-four hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending October 1st, 1931, and annually thereafter until 1942, for carrying out the provisions of this act. Provided, that not more than one hundred and fifty dollars shall be paid under said provisions for any one child for any one year.

Section 4. Any balance from this appropriation that shall remain at the close of any scholastic year shall be added to and become available as a part of this fund for the next succeeding year.

Section 5. This Act shall take effect upon its approval by the Governor.

Approved August 1, 1931.

No. 641) (H. 1198—Goodwyn

AN ACT

To authorize and order an election by the qualified electors to determine whether there shall be levied in addition to all other taxes, an excise tax of one (1c) cent per gallon on gasoline, and/or substitutes for same, to be devoted exclusively to the maintenance and operation of public schools, in all counties in this State which now have a population of not less than seventy-five thousand nor more than one hundred thousand persons, according to the last Federal census, or according to any such census hereafter taken, and to provide for the method and expenses of collection of said tax when levied, and penalties for failure to pay same.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby authorized and ordered an election by the qualified electors of all counties in this State which have a population of not less than seventy-five thousand nor more than one hundred thousand persons according to the last Federal census, or which may have such population according to any subsequent Federal census, to determine whether there shall be levied in any such county in addition to all other taxes, an excise tax of one (1c) cent per gallon upon all motor gasoline and/or substitutes for same, sold within any such county.

Section 2. That the proceeds of such tax, if and when levied as hereinafter provided, shall be devoted entirely to the maintenance and operation of the public school system in such county, and the payment of the expenses of the collection of such tax.

Section 3. That the election upon the question whether said tax shall be levied, shall be held on the first Tuesday of October,

1931, at the several polling places in such county. Said election to be conducted, and the returns of same made, canvassed and promulgated as provided by law for the election of County officers, except as hereinafter provided.

Section 4. It shall be the duty of the Probate Judge of such county to prepare ballots in proper form, on which shall be printed the words: "For One Cent Gasoline Tax for Public Schools" and "Against One Cent Gasoline Tax for Public Schools", with an appropriate place preceding each statement for the voter to make a cross mark expressing his choice, and the voter shall express his choice by marking a cross mark in the appropriate place.

Section 5. The returns of such election shall be canvassed, certified and promulgated as now provided by law for the election of County officers, except the Canvassing Board shall make return thereof to the Board of Revenue or the Court of County Commissioners of such County. All expenses of such election shall be paid by the Board of Revenue or like governing body of the County.

Section 6. If the returns show a majority of those voting upon the question to be in favor of the Levy of said tax, then the Board of Revenue or the Court of County Commissioners of such county shall immediately make a levy of such tax and the proceeds of such tax shall be turned over to the Treasurer of County School funds of such County to be paid out by him on the order of the County Board of Education of such County, for the maintenance and operation of the Public Schools System of such county.

Section 7. As used in this Act the term "gasoline" shall include gasoline, naptha and other liquid motor fuels commercially used in internal combustion engines, provided that nothing contained in this Act shall apply to those products generally known as "kerosene oil", "fuel oil" or "crude oil." The word "person" means and includes every person, corporation, co-partnership, company, agency or association. The term "distributor" shall include any person, corporation, co-partnership, company, agency or association, who shall engage in the selling of gasoline as herein defined in such County by wholesale in domestic trade, but shall not apply to any sale in Interstate Commerce. The term "retail dealer" shall include any person herein defined as "distributor" who shall also engage in the selling of gasoline in any place in the County in broken quantities.

Section 8. Effective on the first day of the month following any election in which a majority of the qualified electors participating in same have voted in favor of the levy of such gasoline tax in such County, every distributor and retail dealer in gasoline shall pay an excise tax of one (1c) cent per gallon upon the sale of gasoline in said County, provided that in no case shall any gasoline sold in Intestate Commerce be taxed, and provided further that the

tax of one (1c) cent per gallon upon the sale of gasoline as herein provided shall be paid but once.

Section 9. On or before the 20th day of each month after the excise tax herein provided to be levied has been authorized by an election as above provided, every distributor of gasoline, and every retail dealer of gasoline, shall render to the Board of Revenue or other like governing body of such county on forms prescribed and furnished by said Board of Revenue or other like governing body, a true and correct statement of all gasoline sold by such distributor or retail dealer during the next preceding month liable for the payment of the excise tax herein prescribed, and shall furnish to said Board of Revenue, or other like governing body, such additional information as said Board of Revenue or other like governing body may require, on blanks furnished by such Board of Revenue or other like governing body, and at the time of making such report shall pay to the Board of Revenue or other like governing body of such County, an amount of money equal to the excise tax due under the provisions of this Act. The statement herein required to be made by the distributor or retail dealer, shall be sworn to before some officer authorized to administer oaths, and the making of any false or fraudulent statement shall constitute perjury, and upon conviction thereof any person so convicted shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars. All distributors or retail dealers shall keep in said county at such place of business or office, such books, documents or papers as shall show clearly the amount of gasoline sales made in said county covered by this Act.

Section 10. Within thirty days after the excise tax herein provided has been levied, every distributor or retail dealer engaged in the sale of gasoline shall make a report on blanks furnished by the Board of Revenue or Board of County Commissioners or other like governing Body, of such County, showing the place of business, and post-office address at which he is engaged in the sale or distribution of gasoline, which information shall be entered by the Board of Revenue or Board of County Commissioners in a book kept for that purpose. After the excise tax herein provided has become effective, no person shall engage in selling as a distributor or retail dealer any gasoline covered by the provisions of this Act, in such county until he shall make such report to the Board of Revenue or Court of County Commissioners of said county, and any distributor or retail dealer in such county covered by the provisions of this Act who shall fail to make any return to the Board of Revenue or Court of County Commissioners as required herein, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars for each offense.

Section 11. It shall be the duty of the Board of Revenue or Court of County Commissioners of such County to enforce the

provisions of this Act, and the Board of Revenue or Court of County Commissioners shall have the right by any of its members or agents to examine the books of any dealer covered by this Act.

Section 12. The proceeds of the Excise Tax prescribed in this Act shall be used for the maintenance and support of the Public School System of such county, and when collected by the Board of Revenue or Court of County Commissioners as above prescribed, shall be by them paid over to the Treasurer of County School funds for such County, to be by him disbursed on the order of the County Board of Education of such County. The costs of the collection of said tax shall be paid by the Board of Revenue or Court of County Commissioners of such County, from the proceeds of said excise tax, and the amount of such expense includes necessary clerical help, shall be deducted from the amount remitted to the Treasurer of County School funds.

Section 13. Should any section or clause of this Act be held unconstitutional or invalid, same shall not invalidate any other Section or clause of this Act which is not in itself invalid.

Section 14. All laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Approved July 30, 1931.

No. 645) (S. 142—Duncan.

AN ACT

To provide for the relief of Cora Spencer and to make an appropriation therefor:

WHEREAS, on the 30th day of April, 1923, Thomas Abernathy was brutally murdered at his place of business at or near Helena, in Shelby County, Alabama, by a negro named Morgan King, alias John King, and the said King to avoid arrest secreted himself in the dwelling house of Cora Spencer, near the place where the killing occurred, and in Shelby County, Alabama; and,

WHEREAS, C. J. FALKNER, Sheriff of Shelby County, Alabama, and his deputies, being notified of the murder, were soon on the ground, and with the help of State Law Enforcement Officers and a posse of citizens, attempted to capture the negro, Morgan King, who barricaded himself in the house of said Cora Spencer, and shot and killed one person and seriously wounded others, who were attempting to capture him, and was all the while shooting at the crowd outside of the house; and,

WHEREAS, as a last resort the house was set on fire by said officers and burned, with all of its contents, including valuable furniture and other household fixtures, and,

WHEREAS, said Morgan King was soon driven out of the house by the fire and was killed, still resisting arrest; and,

WHEREAS, said Cora Spencer, the owner of the house and its contents, was absent from home at the time her house was destroyed, and was in no way culpable in any of said transactions; and,

WHEREAS, the fairly estimated worth of said house is shown to be twelve hundred dollars, and that of the household goods and furniture is shown to be three hundred dollars. Now, therefore,

Be it Enacted by the Legislature of Alabama:

That the sum of one thousand dollars be and is hereby appropriated out of any money in the treasury, not otherwise appropriated, to compensate said Cora Spencer for the destruction and loss by fire of her said house and its contents, as above stated, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasury in favor of said Cora Spencer for the sum of one thousand dollars, the value of said house and the furniture and other things in said house, belonging to her and destroyed by fire.

Approved July 28, 1931.

No. 647) (S. 251—McDowell.

AN ACT

To further regulate the law of libel.

Be it Enacted by the Legislature of Alabama:

Section 1. The publication of a fair and impartial report of the return of any indictment, the issuance of any warrant, the arrest of any person for any cause, or the filing of any affidavit, pleading or other document in any criminal, civil or equity cause in any Court, or of a fair and impartial report of the contents thereof, or of any charge of crime "made to any judicial officer or body", or of any report of any Grand Jury, or of any investigation made by any Legislative Committee, or other public body or officer, shall be privileged, unless it be proved that the same was published with actual malice, or that the defendant has refused or neglected to publish in the same manner in which the publication complained of appeared, a reasonable explanation or contradiction thereof by the plaintiff, or that the publisher has refused upon the written request of the plaintiff to publish the subsequent determination of such suit, action or investigation.

Approved July 28, 1931.

No. 648) (S. 261—Goodwin

AN ACT

To amend Section 10500 of the Code of Alabama of 1923.

Be It Enacted by the Legislature of Alabama that Section 10500 of the Code of Alabama of 1923 be amended so as to read as follows: "10500. Sale of Perishable and Live Freight.—Where such unclaimed freight is perishable or live, such carrier may sell the same as soon as it is deemed necessary and proper for the protection of the carrier, the consignor or consignee. When it is practicable, the consignor and consignee shall be notified of the proposed sale of such perishable or live freight.

Approved July 28, 1931.

No. 649) (S. 263—Teasley

AN ACT

To amend Section 4133 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

That Section 4133 of the Code of Alabama of 1923 be amended so as to read as follows: Untrue Advertising Prohibited—(a) No person, firm, corporation or association shall, with intent to sell or in anywise dispose of real estate, merchandise, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this State, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding real estate, merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading. (b) It shall be deemed deceptive advertising, within the meaning of this section, for any person, firm or corporation, engaged in the business of buying or selling new or second hand furs, wearing apparel, jewelry, furniture, pianos, phonographs, or other musical instruments, motor vehicles, stocks, or generally any form of property, real, personal or mixed, or in the business of furnishing any kind of service or investment, to advertise such ar-

ticles, property or service for sale, in any manner indicating that the sale is being made by a private party or householder not engaged in such business. And every such firm, corporation or association, engaged in any such business, in advertising goods, property or service for sale, shall affirmatively and unmistakably indicate and state that the seller is a business concern and not a private party. (c) Any person, firm, corporation or association engaged in any business mentioned in sub section (b), or in any other kind of business, whether conducting such business in a store, business block, residence or other building, shall at all times keep a conspicuous sign posted on the outside of his establishment and another conspicuous sign in the salesroom, which sign shall clearly state the name of the association, corporation or individual who actually owns said merchandise, property or service which are being offered to the public and not the name of any other person; provided, however, that the exterior sign shall not be required where the seller has no control over the exterior of the premises where such business is conducted. (d) No person, firm, corporation or association shall, with intent to sell, or increase the consumption thereof, or create an interest therein, make, publish, disseminate, circulate, or place before the public in this State, or cause, directly or indirectly to be made, published, disseminated, or placed before the public in this State, in a newspaper of other publication, or in the form of a book, notice, handbill, poster, bill circular or pamphlet, or in any other manner, an advertisement of any sort regarding articles of food, which advertisement contains any assertion, representation or statement which is untrue, deceptive or misleading. (e) It shall be unlawful to advertise any dairy or other food product which is of a grade or quality inferior to or less valuable than the usual and ordinary grade established by common understanding or law for such product, or from which a more valuable portion has been removed, without plainly and conspicuously stating that the article advertised is below and inferior to the usual and ordinary grade. (f) Any person, firm, corporation, association or the agent or servant of any other person, firm, corporation or association violating any provision of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars, or be imprisoned in the county jail not more than sixty days, or by both such fine and imprisonment; and each sale, advertisement or representation in contravention of the provisions of this Section shall be deemed a distinct offense and shall subject the offender to such punishment.

Approved July 28, 1931.

No. 650) (S. 264—McDaniel

AN ACT

To amend Section 8567 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That Section 8567 of the Code of Alabama be amended so as to read as follows: *"8567. (4623) (2630) (1754) (2092) (1831) (1523) Interest on usurious contracts, recovery back of usury.* —All contracts for the payment of interest upon the loan or forbearance of goods, money, things in action, or upon any contract whatever, at a higher rate than is prescribed in this chapter, are usurious, and cannot be enforced either at law or in equity, except as to the principal. Nor shall the borrower of money at a usurious rate of interest ever in any case in law or equity be required to pay more than the principal sum borrowed, and if any interest has been paid the same must be deducted from the principal and judgment rendered for the balance only. PROVIDED, however, that the defense of usury may not be pleaded against a holder of any negotiable instrument, in due course, as defined by Article 4, Chapter 321, of the Code of Alabama.

Approved July 28, 1931.

No. 656) (S. 383—Hildreth.

AN ACT

To amend paragraphs (f) and (g) of Section 9879 and Section 9880 of the Code of Alabama, 1923, as amended by an Act entitled "An Act to amend Section 9879 and 9880 of the Code of Alabama, 1923" approved by the Governor, September 9th, 1927; also to amend Sections 9878, 9885, 9887, 9890, 9891, 9892, 9896, 9899 and 5402 of the Code of Alabama, 1923; and to provide for the registration of securities, dealers in and salesmen of securities and the regulation, supervision, suspension, cancellation and revocation thereof; and to fix penalties and to provide remedies for the violation of this Act; and to provide for the protection of the public (purchasers and holders of securities) by injunction, receivership and other equitable remedies at the instance of the State of Alabama.

Section 1. *Be it Enacted by the Legislature of Alabama* that Section 9878 of the Code of Alabama, 1923, be amended so as to read as follows: "9878. DEFINITIONS.—When used in this article the following terms shall, unless the text otherwise indicates, have the following meanings: (1) 'Security' shall include any note, stock, stock certificate, treasury stock, bond, debenture, temporary evidence of any of the foregoing, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining

lease, collateral trust certificate, pre-organization certificate, pre-organization subscription, any transferable share, investment contract, income contract (which investment contract or income contract is issued for public offering as one of an issue of several like contracts), annuity contract unless issued by an insurance company, bankers shares, trustees shares, investment participating bonds, investment trust debentures, units, shares, bonds and certificates in, for, respecting or based upon any form of securities or collateral, subscriptions and contracts covering or pertaining to the sale and or purchase on the installment plan of any security as herein defined; or subscriptions and/or contracts covering or pertaining to the sale and/or purchase of beneficial interest in title to property, profits or earnings; or any right to subscribe to any of the foregoing; or any instrument of any kind commonly known as a security. (2) 'Person' shall include a natural person, a corporation created under the laws of this or any other state, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used herein the term 'trust' shall not include a trust created or appointed under or by virtue of a last will and testament, or by instrument of declaration and/or appointment by any person for the benefit of himself, relatives, friends, servants or employees, or by a court of law or equity, or any public charitable trust. (3) 'Sale' or 'sell' shall include every disposition, or attempt to dispose of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. 'Sale' or 'sell' shall also include a contract to sell, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or by a circular, letter, advertisement or otherwise. (4) 'Dealer' shall include every person other than a salesman who in this state regularly or incidentally engages, or who in this state holds himself out as regularly or incidentally engaged, directly or through an agent, in the business of selling any securities (including any securities exempted under the provisions of Section 9879 of the Code of Alabama, 1923, as amended by Senate Bill 415, Alabama General Laws, 1927, and by this Act) issued by another person or purchasing or otherwise acquiring such securities from another for the purpose of reselling them or of offering them for sale to the public, or offering, buying, selling or otherwise dealing or trading in such securities as agent or principal for a commission or at a profit; or who deals in futures or differences in market quotations of prices or values of any securities or accepts margins on purchases or sales or pretended purchases or sales of securities; provided that the word 'dealer' shall not include a person having no place of business in this state

who sells or offers to sell securities exclusively to brokers or dealers actually engaged in buying and selling securities as a business. (5) 'Issuer' shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any person who acts for a compensation or a consideration as a promoter for and on behalf of a corporation, trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer. (6) The term 'underwriter' shall mean a person who agrees to take or contracts to dispose of a stipulated amount of securities or a portion thereof, at a fixed price. (7) 'Salesman' shall include every natural person, other than a dealer, employed or appointed or authorized by a dealer or issuer to sell securities in any manner in this state. The bona fide actual partners of a partnership and the bona fide actual executive officers of a corporation or other association registered as a dealer, and also the regularly employees of a public service utility actively operating in this state when such employees are selling the securities of such utility or of any affiliated or associated company previously approved by the Alabama Public Service Commission in accordance with law and when such sales are made by such employees only incidentally to their regular employment, and salesman of building and loan associations who have been duly licensed as such under the provisions of Senate Bill 116, Alabama General Laws, 1931, approved by the Governor on April 9, 1931, shall not be salesman within the meaning of this definition. (8) 'Broker' shall mean dealer as hereinabove defined. (9) 'Agent' shall mean salesman as hereinabove defined. (10) The term 'Intangible Assets' shall mean and include patents, formulae, good will, promotion, trade brands, franchises, titles or rights in and to intangible property, and all other like assets. 'Tangible Assets' shall mean all assets other than intangible assets. (11) 'Commission' shall mean the State Securities Commission of Alabama. (12) 'Mortgage' shall be deemed to include any trust instrument to secure a debt. (13) 'Suspend', when used in relation to the registration of either a security or a dealer or salesman, shall mean the temporary cessation or inoperativeness of such registration, whether by reason of operation of law or by reason of an order of the commission. (14) 'Revoke' shall mean to vacate the registration of either a security, a dealer or a salesman for cause by order of the commission. (15) 'Cancel' shall mean to terminate the registration of either a security, a dealer or a salesman upon application filed therefor as follows: in the case of a security, upon application therefor filed by the issuer thereof or the person who secured the registration of said security; in the case of a dealer, upon the application therefor filed by such dealer; in the case of a salesman, upon the application therefor filed by either the issuer or dealer employing such salesman. (16) 'Alabama Securities Act' shall mean Chapter 335, Article 12 (Sections 9877—9900), Chapter 220, Article 7

(Sections 5402—5406) and Chapter 161, Article 7 (Forms 115, 116, 117) of the Code of Alabama, 1923, as amended by Senate Bill 415, Alabama General Laws, 1927, and by the present Act."

Section 2. Be it Further Enacted by the Legislature of Alabama that paragraphs (f) and (g) of Section 9879 of the Code of Alabama, 1923, as amended by Senate Bill 415, Alabama General Laws, 1927, be amended so as to read respectively as follows: "9879—(f) Securities issued, outstanding, distributed and fully listed on the New York Stock Exchange or on any recognized and responsible stock exchange which has been previously investigated and approved by the commission by its written order evidencing such approval, and which securities have been so listed pursuant to official authorization by such exchange and also all securities senior to any securities so listed, or evidences of indebtedness guaranteed by companies any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect; Provided, however, That the commission may at any time for reasonable cause withdraw its approval of any security so listed on any such approved stock exchange, and thereafter such security shall not be entitled to the benefit of this exemption, except upon further order of the Commission. Application for approval of any such exchange other than the New York Stock Exchange may be made by any such organized stock exchange in such manner as may be prescribed by the commission, accompanied by relevant facts and data and the payment of an application-for-approval fee of one hundred dollars, and the commission shall hold such hearing and make such investigation as may be necessary, the cost of which shall be borne by the applicant, and in the exercise of its sound discretion the commission may enter an order granting approval of such exchange upon the finding that: (1) Such exchange provides adequate facilities for the use of its members in the purchase and sale of securities listed by such exchange. (2) Such exchange requires financial statements to be submitted to and filed with it at the time of listing and annually thereafter. (3) The requirements in general for listing securities on such exchange are such as to reasonably safeguard and protect the interests of investors who invest in the securities so listed on such exchange and as to give such investors a reasonable amount of information concerning the financial condition from time to time of the issuers of such securities so listed. (4) That a free and open market exists on such exchange. The commission shall have jurisdiction, after due notice, investigation, opportunity to be heard, and hearing, to revoke the approval of any exchange which has theretofore been approved by it upon finding that the practices or requirements of any such exchange so approved have been so changed or modified or are in their actual operation such that such exchange no longer meets the standards herein set forth and upon which approval was based. The principles of res

adjudicate ordinarily applicable in civil matters shall not be applicable to this matter which is hereby declared to be administrative rather than judicial. Notice hereunder may be by registered mail, at least ten days before such hearing, and acceptance of approval hereunder shall constitute consent to such notice. "9879—(g)—Any security issued and representing an interest in or direct obligation of any state bank, trust company or savings institution, which said state bank, trust company or saving institution is incorporated under the laws of this state and which is then subject to the examination, supervision and control of the Banking Department of this state or any security issued by any building and loan association which building and loan association is incorporated under the laws of this state and is then subject to the examination, supervision and control of the Building and Loan Department of this State."

Section 3. Be it Further Enacted by the Legislature of Alabama that Section 9880 of the Code of Alabama, 1923, as amended by Senate Bill 415, Alabama General Laws, 1927, be amended so as to read as follows: "9880. TRANSACTIONS EXEMPTED FROM OPERATION OF ARTICLE.—Except as hereinafter expressly provided, the provisions of this article shall not apply to the sale or the offering for sale of any security in any of the following transactions, viz: (1) At any judicial, executor's, administrator's, guardian's, or conservator's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy. (2) By or for the account of a pledge holder or mortgagee selling or offering for sale or delivery in the ordinary course of business to liquidate a bona fide debt, a security pledged in good faith as security for such debt. (3) The sale of securities when made by or on behalf of a vendor, not the issuer, or underwriter thereof, who, being a bona fide owner of such securities, disposes of his own property for his own account, and such sale is not made, directly or indirectly, for the benefit of the issuer or an underwriter of such security, or for the direct or indirect promotion of any scheme or enterprise within the purview of the Alabama Securities Act, or for the purpose of violating or evading any provision of the Alabama Securities Act. (4) The sale, transfer or delivery of any securities to any bank, savings institution, trust company, or insurance company or to any corporation or to any broker or dealer; Provided, that such broker or dealer is actually engaged in buying and selling securities as a business. (5) The distribution by a corporation, of securities to its stockholders as a stock dividend or other distribution out of earnings or surplus; or the issuance of securities to the security holders or creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith and not for the purpose of avoiding the provisions of this act, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of

such security holders or creditors; or the issuance of additional capital stock of a corporation sold or distributed by it among its own stockholders exclusively, where no commission or other remuneration is paid or given directly or indirectly in connection with the sale or distribution of such increased capital stock. (6) The transfer or exchange by one corporation to another corporation of their own securities in connection with a consolidation or merger of such corporation. (7) Capital stock of a corporation in the process of organization under the laws of this State, or subscriptions for or contracts to deliver such capital stock, executed prior to the incorporation thereof, when no expense is incurred, directly or indirectly and no commission, compensation or remuneration is paid, given or promised to effect a sale thereof or to secure or sell such subscriptions or contracts, necessary and ordinary legal expense, taxes license fees and recording fees excepted. (8) The issue and delivery of any security in exchange for any other security of the same issuer pursuant to a right of conversion entitling the holder of the security surrendered in exchange to make such conversion, provided that the security so surrendered has been registered under the provisions of the Alabama Securities Act or was, when sold, exempt from the provisions of said Act; (9) The issue and sale of options and/or warrants for the purchase of securities, which securities subject to such options and/or warrants were at the time of the issue of such options and/or warrants exempt from the provisions of the Alabama Securities Act. (10) The issue and delivery of any security to the holder of an option or warrant for the purchase thereof provided that the sale of such option or warrant, either separately or attached or appertaining to some other security, has theretofore been authorized by the commission."

Section 4. Be it Further Enacted by the Legislature of Alabama that Section 9885 of the Code of Alabama, 1923, as amended so as to read as follows: "9885. FEES TO BE PAID.—Each applicant for registration of securities shall at the time of filing its application pay to the commission, and the commission shall collect a filing fee of twenty five dollars plus the sum of fifty cents for each one thousand dollars par value of each issue of securities for which application for registration is filed. If any of such securities have no par value, the price at which the applicant proposes to sell and issue the same to the public shall be deemed the par value thereof for the purpose of computing the fee to be paid by such applicant upon the filing of such application. In computing the fee to be paid by an applicant filing an aplication for the registration of annuity contracts, thrift certificates, income bonds, investment participating bonds, investment certificates or contracts based and to be sold on an installment sale plan, the sum of the initial payment on any such instruments plus all subsequent installment payments up to the time that any such instrument or instruments shall attain

a paid-up contract or conversion option or cash or liquidating or withdrawal value, using whichever period of time covered by such installment payments as shall be the longest under the terms of any such instrument or instruments, shall be deemed the par value thereof."

Section 5. Be it Further Enacted by the Legislature of Alabama that Section 9887 of the Code of Alabama, 1923, be amended so as to read as follows: "9887. HEARING ON REPORT TO COMMISSION.—After the president of the commission or his assistant has made his report to the commission upon any application, the commission shall examine such application and report of investigation, and shall give the applicant a public hearing, if he so desires. (1) If the commission shall report favorably to the applicant, it shall issue an order, signed by its president, directing that such securities be admitted to record in the Register of Qualified Securities, hereinafter provided for. The commission shall keep a permanent record of all its proceedings, findings, judgments and orders. In granting to an applicant the privilege of offering securities to the public in the State of Alabama, the Commission may impose such reasonable conditions, either precedent, concurrent or subsequent thereto, as in the judgment of the commission may be necessary or advisable and may fix a time limit for compliance with such conditions or any of them. As one of such condition precedent, the commission may, in its discretion, require that all or any part of the securities of the issuer, which have been or are to be issued for property or assets, either tangible or intangible, be deposited in escrow, under such terms as the commission may prescribe. The securities deposited under such escrow agreement shall be released from such escrow agreement only at such time as the commission may deem just and equitable; and in any event such escrowed securities shall be released therefrom when the issuer's earnings shall equal those prescribed by paragraph (j) of Section 9879 of this article for the same class of securities. (2) If, however, the commission shall, in any case, believe and find from all the evidence before it (a) That the sale of such securities would work a fraud deception or imposition upon the purchasers thereof, or that the proposed disposal of such securities is on unfair terms; or (b) That the articles of incorporation or association, declaration of trust, charter, constitution, by-laws, or other organization papers of the issuers are unfair, unjust, inequitable, illegal or oppressive; or (c) That the issuers or guarantors of such securities are insolvent, or are in failing circumstances, or are not trustworthy; or (d) That the issuer's plan of business is unfair, inequitable, dishonest, or fraudulent; or (e) That the issuer's literature or advertising is misleading or calculated to deceive purchasers or investors; or (f) That the reasonable value of any property or assets of the issuer for which the issuer has issued or proposes to issue securities

is less than the par or face value, or the issue price, as the case may be, of all of the securities of the issuer so issued or to be issued in payment therefor; or (g) That the enterprise or business of either the issuer, or of the applicant, is unlawful or against public policy; or (h) That the sale of such securities is a mere scheme of either the issuer or the applicant to dispose of worthless securities of no real intrinsic value, at the expense of the purchasers of said securities; or (i) That the enterprise or business of the issuer or the security is unfair or fraudulent; then the commission shall reduce its findings to writing, and shall refuse to admit said securities to record in the Register of Qualified Securities; and it shall thereafter be unlawful to sell such securities in this state or to advertise same, or to circulate any advertisement thereof. (3) But, no securities shall be admitted to record in the Register of Qualified Securities until the applicant or applicants therefor have entered into a bond for not less than one thousand dollars, nor more than one hundred thousand dollars, and in no event for more than ten per centum of the aggregate selling price of the securities to be admitted to record. The amount of said bond shall be fixed by the commission in its order admitting said securities to record. Said bond shall be payable to the State of Alabama and be conditioned upon the truthfulness of the statements set forth in the application filed with the commission and of the written evidence or other probative matter filed with the commission in connection with such application and for the faithful compliance by said applicant and his agents with the provisions of this article and of any lawful condition or requirement made by the commission in granting such application. Said bond shall be made with a surety company authorized to do business in the State of Alabama and shall be filed with and approved by the president of the commission. Any original purchaser of such securities or other person injured by a breach of any condition in said bond shall have a right of action upon said bond for the amount of damages suffered thereby, but such right of action shall be barred unless suit be instituted thereon within one year from the time such cause of action arises. One or more recoveries upon such bond shall not vitiate the same; but no recoveries thereon shall ever exceed the full amount of such bond. Upon suits being filed in excess of the amount of such bond, the president of the commission shall require a new bond; and if same is not filed with and approved by the president of the commission within thirty days thereafter, the commission shall revoke the registration of the securities involved. All liability upon any such bond shall be extinguished upon the expiration of one year from the date of the last original sale by the issuer, or his agent, of any of the securities registered and authorized to be sold pursuant to the application on account of which such bond has been required by the commission."

Section 6. Be it Further Enacted by the Legislature of Alabama that Section 9890 of the Code of Alabama, 1923, be amended so as to read as follows: "9890. REPORTS TO COMMISSION: CANCELLATION OF REGISTRATION OF SECURITIES AND DISCHARGE FROM FILING FURTHER REPORTS. (1) Reports To Commission.—Every issuer, whose securities have been granted the privilege of being offered for sale to the public in the State of Alabama, and the registration of whose securities has not been cancelled and who has not been discharged from filing further quarterly reports under the provisions of paragraph (2) of this said Section 9890, shall file within thirty days after the close of business on December 31, March 31, June 30, and September 30, of each year, and at such other reasonable times as may be required by the commission, a statement, verified under oath by some person having actual knowledge of the facts therein stated, setting forth, in such form as may be prescribed by the commission, the financial condition, the amount of assets and liabilities of such issuer on the above dates and such other information as the commission may require. Each statement shall be accompanied by a filing fee of ten dollars. If any issuer subject to the provisions of this article shall wilfully fail or refuse to comply with any of the provisions of this section, and shall continue to so fail or refuse for thirty (30) days after notice or demand, the registration of said issuers securities may thereupon be suspended or revoked and it shall thereafter be unlawful for any such issuer, or for his agent or agents or any dealer or salesman to sell such securities in this state, unless and until said issuer has fully complied with the provisions of this paragraph (1) of this section 9890 of the Code of Alabama, 1923, as hereby amended. (2) Cancellation Of Registration Of Securities; Discharge From Filing Reports. Any issuer, whose securities have been granted registration as provided in Section 9887 of the Code of Alabama, 1923, as herein amended, who has completed the sale of the securities so registered, or who desires to discontinue the sale of said registered securities, and who desires to be discharged from further supervision of the commission or from further compliance with the Alabama Securities Law, may file with the commission a notice in writing to such effect, and the commission shall thereupon enter an order cancelling the registration of such securities, and such issuer shall thereupon be discharged from filing any financial report except as the commission may require up to and including the date of the filing of said notice as hereinabove provided. Whenever any security or securities theretofore granted registration by the commission in the Register of Qualified Securities, has or have become, under the provisions of Section 9879 of the Code of Alabama, 1923, as amended by Senate Bill 415, Alabama General Laws of 1927 and as hereby amended, securities to which the provisions of the Alabama Securities Act are made inapplicable,

the commission shall, upon due proof this fact to its satisfaction and upon application by the person who originally filed the application for the registration of said securities, or the successor to such person, enter an order cancelling the registration of said securities and discharging such person from the requirement of filing further reports with the commission."

Section 7. Be it Further Enacted by the Legislature of Alabama that Section 9891 of the Code of Alabama, 1923, be amended so as to read as follows: "9891. POWERS OF COMMISSION TO ENFORCE PROVISIONS OF ALABAMA SECURITIES ACT: EXAMINATION AND EXAMINERS: REVOCATION OF REGISTRATION OF SECURITIES. (1) Powers Of The Commission To Enforce Provisions Of The Alabama Securities Act Procedure, etc. (a) Each of the members of the State Securities Commission of Alabama, or the Secretary-Examiner upon the order of the Commission, for the purposes of the Alabama Securities Act, and in all hearings before the Commission, may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books and papers. (b) Courts May Compel Compliance With The Orders Of Commission And Punish Failure.—In the case of failure or refusal on the part of any person to comply with any order of the commission or of any commissioner, or any subpoena, or on the refusal of any witness to testify or answer as to any matter regarding which he may be lawfully interogated, any circuit court in the state, or any judge thereof, on application of the commission may issue an attachment for such person and compel him to comply with such order, or to attend before the commission and produce such documents and give his testimony upon such matters as may be lawfully required, and the court or judge shall have power to punish for contempt as in cases of disobedience of a like order or subpoena issued by or from such court, or a refusal to testify therein. (c) Witnesses Not Excused From Testifying To Matters Incriminating Them.—No person shall be excused from attending and testifying, or from producing books and papers before the commission, or in obedience to the subpoena of the commission, whether such subpoena be issued or signed by one or more of the members of the commission, in any investigation held by or before the commission, or in any cause or proceeding in any court by or against the commission, provided for by the Alabama Securities Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise, before the commission, or in obedience to its subpoena, or in any such cause or proceeding pro-

vided for in this paragraph 2 of this Section 9891, as herein amended. No person, testifying, shall be exempted from prosecution and punishment for perjury committed in so testifying. (d) Deposition Of Witnesses; How Taken.—The commission, or with the consent of the commission, any party to any proceeding before the commission, may, in any investigation, cause depositions of witnesses residing within or without this state to be taken in the manner prescribed by law for depositions in civil actions, in circuit courts, such depositions to be taken on a commission to be issued by any member of the commission or by the secretary-examiner of the commission, made returnable to the commission. (f) Fees Of Witnesses In Such Cases.—Each witness who shall appear before the Commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record which shall be audited and paid by the state in the same manner as other expenses of the commission are audited and paid, upon the presentation of proper vouchers, sworn to by such witnesses and approved by the president of the commission; but no witnesses subpoenaed at the instance of parties other than the commission shall be entitled to any fee or compensation from the state. (2) Examination and Examiners.—The records and the business affairs of every company, or person, whose securities have been admitted to record in the Register of Qualified Securities, or who has been registered as a dealer by the commission under the provisions of Section 9896 of the Code of Alabama, 1923, as amended by Section 9 of this Act, shall be subject to examination and inspection by the commission or by its assistants, acountants or examiners, at any time the commission may deem it advisable, and such company or person shall pay a fee for each of such examinations of not to exceed twenty-five dollars for each day or fraction thereof, plus the actual traveling and hotel expenses of such member or members of the Commission or such assistants accountants or examiners as may be designated or directed to make such examination while absent from the capitol of the state for the purpose of making such examinations, provided, however, the issuer or dealer shall not be subjected to such examination or any expense therefor unless it appears to the commission on complaint and hearing thereon or from any financial statement furnished by the issuer or dealer that there is probable cause for revoking the registration of the securities of the issuer or the securities being sold by such dealer. (3) Revocation Of Registration Of Securities.—The commission shall revoke the registration of any security by entering an order to that effect, with its findings in respect thereto, if upon examination into the affairs of the issuer of such security as provided by subdivision (2) hereof it shall appear to the commission and the commission shall find (a) That the assets of any issuer, whose securities have been granted registration in the Register of

Qualified Securities, are impaired to such an extent that such assets do not equal seventy (70%) per centum of its total liabilities, including its total stock liabilities reckoned upon the price at which such stock has been sold by such issuer to, or subscribed for by, the subscribers thereto; or (b) That the issuer has violated any of the provisions of this Article or any orders of the commission, or any terms or terms thereof, or has failed to comply with any condition or conditions contained in any order of the commission within the time limit therein prescribed; or (c) That the issuer has been or is engaged or is about to engage in a fraudulent transaction or fraudulent transactions relating to or in connection with the sale of any securities, or (d) That the issuer is in any other way dishonest or has made any fraudulent representation or representations in any prospectus or in any circular or other advertising or literature that has been distributed concerning the issuer or its securities; or (e) That the issuer is insolvent; or (f) That said issuer has declared and/or paid dividends out of anything except the net earnings of said issuer actually received and/or accrued at the time of the declaration thereof, and/or out of accumulated surplus. This paragraph (f) shall not apply to liquidating dividends legally declared and distributed and so specifically designated in connection with the distribution thereof. In making such examination, as provided by subdivision (2) hereof, the commission, its deputy or the accountant or accountants of the commission shall have access to and may compel the production of any or all of the books and papers of such issuer, and may administer oaths to and examine the officers of such issuer or any other person connected therewith as to its business and affairs or in lieu of such examination the Commission may require a balance sheet exhibiting the assets and liabilities and/or a trial balance sheet of the business, and/or the income statement, and/or any other information the Commission may deem necessary, any and all of which shall be made and certified by a public accountant selected by the issuer from a list of public accountants approved by the Commission, or by any other public accountant first approved by the Commission.

Section 8. Be it Further Enacted by the Legislature of Alabama that Section 9892 of the Code of Alabama, 1923, be amended so as to read as follows: "9892. COMPLAINTS, INVESTIGATIONS, FINDINGS OF FACT: INJUNCTIONS. (1) Complaints, Investigations, Findings of Fact.—The President of the Commission or any member thereof may, upon his own initiative or upon the complaint of any responsible person, hold such public hearing or make or have made such special inspection, examination or investigation as he may deem necessary, in connection with the promotion, sale or disposal in this state of any security, or securities, to determine whether the same constitute a violation of law; and any member of the Commission or its assistant or deputy shall

have power and authority (a) To issue subpoenas and process compelling the attendance of any person and the production of any papers, records or books relating to any matter of which the commission has jurisdiction under this Article, and (b) To administer an oath to any person whose testimony may be required on such inspection, examination or investigation. Upon the conclusion of any hearing, inspection, examination or investigation, written report thereof shall be made to the Commission which shall make findings of fact concerning the matter or matters investigated, and enter such order thereon as it may deem necessary for the enforcement of the provisions of the Alabama Securities Act, as amended, or the provisions of this Act. (2) Injunctions.—Whenever it shall appear to the commission, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement, or distribution of any securities within this state, including any security exempted under the provisions of Section 9879 of the Code of Alabama, 1923, as amended by Senate Bill 415, Alabama General Laws, 1927, and by this Act, any person, as defined in this Act: (1) shall have employed or employs, or is about to employ any device, scheme or artifice to defraud or for obtaining money or property by means of any false pretense, representation or promise; (2) or that any such person shall have made, makes or attempts to make in this state fictitious or pretended purchases or sales of securities; (3) or shall have engaged in or engages in or is about to engage in any practice or transaction or course of business relating to the purchase or sale of securities (a) which is in violation of law (b) or which is fraudulent (c) or which has operated or which would operate as a fraud upon the purchaser; any one or all of which devices, schemes, artifices, fictitious or pretended purchases or sales of securities, practices, transactions and courses of business are hereby declared to be and are hereinafter referred to as fraudulent practices; (4) or that any person is acting as dealer or salesman within this state without being duly registered as such dealer or salesman as provided in this Act; the commission may investigate, and whenever it shall believe from evidence satisfactory to it: (a) that any such person has engaged in, is engaged or is about to engage in any of the practices or transactions hereinbefore referred to as and declared to be fraudulent practices; (b) or is selling or offering for sale any securities in violation of this Act or is acting as a dealer or salesman without being duly registered as provided in this Act; the commission may, in addition to any other remedies, bring action in the name and on behalf of the State of Alabama against such person and any other person or persons concerned in or in any way participating in or about to participate in such fraudulent practices or acting in violation of this Act, to enjoin such person and such other person or persons from continuing such fraudulent practices or engaging therein or doing any act or acts in furtherance thereof

or in violation of this Act. In any such court proceedings the commission may apply for and on due showing be entitled to have issued the courts subpoena requiring forthwith the appearance of any defendant and his employees, salesmen or agents and the production of documents, books and records as may appear necessary for the hearing of such petition, to testify and give evidence concerning the acts or conduct or things complained of in such application for injunction. In such action the equity courts shall have jurisdiction of the subject-matter and a judgment may be entered awarding such injunction as may be proper."

Section 9. Be it further enacted by the Legislature of Alabama that Section 9896 of the Code of Alabama, 1923, be amended so as to read as follows: "Section 9896. DEALERS IN AND SALESMEN OF SECURITIES; REGISTRATION AND SUPERVISION OF, ETC. 1. Unlawful for Dealer or Salesman To Sell Securities Unless Registered As Dealer Or Salesman: Registration Of.—No dealer or salesman shall carry on business in the State of Alabama as such dealer or salesman, or sell any securities, including any securities exempted under the provisions of Section 9879 of the Code of Alabama 1923, as amended, unless he has been and is then registered as dealer or salesman in the office of the commission pursuant to the provisions of this section. Every applicant for registration shall file in the office of the commission an application in writing, duly signed and sworn to, in such form as the commission may prescribe, giving particulars concerning the business reputation of the applicant and such other information as the commission may reasonably require. The names and addresses of all persons approved for registration as dealers or salesmen shall be recorded in a Register of Dealers and Salesmen kept in the office of the commission, which shall be open to public inspection. Every registration under this section shall expire on the thirty-first day of December in each year, but the same may be renewed. The fee for such registration and for each annual renewal thereof shall be fifty dollars in the case of dealers and fifteen dollars in the case of salesmen. No person shall be registered as a salesman except upon the application of the person on whose behalf such salesman is to act. In granting registration of dealers and/or salesmen, the commission may impose such conditions either precedent, concurrent or subsequent as in the judgment of the commission may be necessary or advisable and may fix a time limit for compliance with such conditions or any of them. It shall be unlawful for any person required to register under the provisions of this section to sell any security to any person in the State of Alabama without having registered, or after such registration has expired or been cancelled or revoked and not renewed. 2. Dealers And Salesmen, Bonds Of: Before any dealer or salesman shall sell or offer for sale any security required to be registered

under the provisions of this Act, such dealer or salesman shall enter into a bond for not less than five thousand dollars ($5,000.00) in the case of such dealer and not less than five hundred ($500.00) in the case of such salesman, which said bond shall be payable to the State of Alabama and which shall be executed only with a surety company as surety, authorized to transact business in the State of Alabama. Said bond shall be in such form as the commission shall from time to time designate and shall be conditioned for the faithful accounting for all moneys and/or securities of another and for the payment of any judgment rendered by a court of competent jurisdiction in any action at law or suit in equity in Alabama based upon fraud or misrepresentation in the sale in Alabama of any such security. Any original purchaser of securities from or through any such registered dealer or salesman or other person damaged by any breach in the conditions of said bond shall have a right of action upon said bond for the damages suffered thereby. Any such cause of action shall be commenced within one year after such cause of action arose or within one year from the discovery of the fraud, but in no case to extend beyond one year from the cancellation of the registration, the revocation thereof or the discharge of such dealer or salesman from further supervision under this Act, and any such cause of action not commenced within such time as herein limited shall be forever barred. One or more recoveries upon such bond shall not vitiate the same, but the aggregate amount of such recoveries thereon shall not exceed the amount of such bond. Any recovery on such bond shall be sufficient cause for cancelling or revoking such dealer's or salesman's registration. 3. Supervision, Etc. By Commission Over Dealers And Salesmen.—(a) The commission shall have general supervision of all dealers and salesmen registered hereunder and residing or doing business in this State. (b) Every dealer, who deals in securities on marginal account or purchases or sells securities on a partial payment plan, or sells securities to be delivered at any time in the future, shall issue to the purchaser thereof and/or person making a deposit with such dealer on account of such transaction a certificate, receipt, confirmation or other written memorandum signed by such dealer in evidence of such transaction, which said certificate, receipt, confirmation or memorandum shall clearly show the amount and price of such securities so purchased and/or sold and the date of such transaction; and moreover, the commission may at any time require any such registered dealer covered by this sub-paragraph (b) to have an audit made of his books and records by a public accountant to be selected by the dealer from a list of public accountants approved by the commission, or by any other public accountant first approved by the commission, and to file a certified copy thereof with the commission. The provisions of this paragraph (b) of this subdivision 3 of this Section 9896 of the Code of

Alabama, 1923, as herein amended, shall not apply to a National bank, to a State bank under the jurisdiction and supervision of the Superintendent of Banks of this State. Such reports so filed shall be for the consideration of the commission, and shall not be available for public inspection except upon the order of the Commission or of a court of competent jurisdiction. 4. Denial, Suspension Or Revocation Of Dealers' Or Salesmen's Registration; Grounds Of.— Application for registration as either dealer or salesman under Section 9896-1 may be refused or denied or any such registration granted may be revoked by the commission, if, after a reasonable notice and hearing, the commission determines and finds that such applicant or registrant so registered (a) Has wilfully or intentionally violated any provision of this Act or any regulation made hereunder; or (b) Has wilfully or intentionally made a material false statement in the application for registration; or (c) Has been guilty of a fraudulent act in connection with any sale of securities, or has been or is engaged or is about to engage in making fictitious or pretended sales or purchases of any such securities or has been or is engaged or is about to engage in any practice or transaction or course of business relating to the purchase or sale of securities which is fraudulent or in violation of law; or (d) Is not, in the opinion of the Commission, worthy to be registered as such dealer or salesman; or (e) In the case of a dealer, is insolvent; or (f) In the case of a dealer, has made, done or committed or has engaged in or is engaged in making, doing or committing any of the following things or acts; i. e., continued misrepresentations, either as to the financial worth, merits, value or price of a security, either in advertising or through salesmen; bucketing, or while acting as a broker under orders to purchase or sell securities for customers, selling or purchasing for his own account of the same securities with intent to trade against the customer's order; making use of what is termed a house account, or is in any way filling an order for a client other than in the usual method of making a purchase or sale upon the open market; for being in a condition of insolvency; for failing to keep or maintain sufficient records to permit of an audit satisfactorily disclosing to the Commission the true situation or condition of such business; for failure to comply with any of the requirements of this Section 9896 as herein amended; disobeying in any way orders made by the State Securities Commission of Alabama granting registration of a security or of such dealer; having in his employ any unlicensed salesman or a salesman whose license has been revoked; practices of any sort tending toward defrauding the public; or (g) In the case of a salesman, has made, done or committed, or has engaged in or is engaged in making, doing, or committing any of the following things; i. e., (1) making any misrepresentation of an existing or past fact regarding any security; (2) promise of dividends unless said dividends have already been

declared; (3) promising a resale at a price above that at which the security is sold to a purchaser; (4) taking any subscription or contract for the purchase or sale of any security (not exempt under the provisions of Section 9879 of the Code of Alabama, 1923, as amended by Senate Bill 415, Alabama General Laws, 1927, and by this Act) on the partial payment plan upon any blank other than that approved by the commission; (5) using any advertising matter in connection with the sale of any registered security, which advertising has not been approved by the commission; (6) dividing commissions for the sale of securities (not exempt under the provisions of Section 9879 of the Code of Alabama, 1923, as amended by Senate Bill 415, Alabama General Laws, 1927, and by this Act) with, or giving rebates to, any person or persons not registered with the commission, either as dealers or salesmen; (7) any practices which, in the judgment of the commission, not explicitly outlined in this Act, tend to defraud the public; (8) conviction in any court in this State of a violation of this Act. In case of charges against a salesman notice thereof shall also be given the dealer or issuer employing such salesman. Pending the hearing the commission shall have the power to order the suspension of such dealer's or salesman's registration; provided, such order shall state the cause of such suspension. Until the entry of a final order, the suspension of such dealer's registration, though binding upon the persons notified thereof, shall be deemed confidential, and shall not be published, unless it shall appear that the order of suspension has been violated after notice. In the event the commission determines to refuse or revoke a registration as hereinabove provided, it shall enter a final order therein with its findings on the Register of Dealers and Salesmen; and suspension or revocation of the registration of a dealer shall also suspend or revoke the registration of all his salesmen, unless otherwise ordered by the commission. It shall be sufficient cause for refusal or suspension or revocation of registration in case of a partnership or corporation or any unincorporated association, if any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or suspending or revoking the registration of an individual dealer or salesman. Dealers and salesmen registered by the commission since January 1, 1931, are relieved from paying any further registration fees for the year 1931, but are in all other respects required to comply with the provisions of this section."

Section 10. Be it Further Enacted by the Legislature of Alabama that Section 9899 of the Code of Alabama, 1923, be amended so as to read as follows: "9899. WHEN SALES MADE IN VIOLATION OF ARTICLE VOIDABLE.—Every sale or contract for sale of any securities made in violation of the provisions of this article, as amended by Senate Bill 415, Alabama General

Laws, 1927, and by this act, or in violation of the terms of the commission's order granting or revoking registration of said securities, shall be voidable at the election of the purchaser thereof; and every person making such sale or contract for sale and every agent of or for such seller who shall have participated or aided in any way in making such sale, shall be jointly and severally liable to such purchaser, upon surrender or tender of said security or securities or said contract to the seller, for the amount of damages suffered by the purchaser in consequence thereof. No action shall be brought under this section after one year from the date of such sale or contract for sale."

Section 11. Be it Further Enacted by the Legislature of Alabama that Section 5402 of the Code of Alabama, 1923, be amended so as to read as follows: "5402.—REFUSAL TO OBEY ORDERS OF SECURITIES COMMISSION; PENALTY FOR.—Any person who shall refuse to obey any subpoena or process provided for in Chapter 335, Article 12 of the Code of Alabama, 1923, as amended, or who shall refuse to make answer to any competent or material question propounded to him by the President of the commission, any member of the commission, or its assistant or deputy, upon any hearing before the commission, or who shall wilfully violate any legal order of the commission shall be guilty of a misdemeanor and upon conviction in any court of competent jurisdiction, shall be punished by a fine not to exceed five hundred dollars, or by confinement in the county jail for not more than six months or by both such fine and imprisonment."

Section 12. Be it Further Enacted By The Legislature of Alabama that the commission is given power to make all such reasonable rules and regulations as it may deem necessary to carry out its duties under this act.

Section 13. Be it Further Enacted by the Legislature of Alabama that it shall be the duty of the attorney general and of each solicitor in this state to promptly investigate and prosecute all violations of Chapter 335, Article 12, and Chapter 220, Article 7 of the Code of Alabama, 1923, as amended by Senate Bill 415, Alabama General Laws, 1927, and by this Act, including any fraud or fraudulent act as defined in this act, and also including all complaints referred to them, or either of them, by the commission or by any person; and each member of the commission and also the secretary-examiner of the commission when ordered by the Commission so to do are hereby authorized and empowered to swear out warrants of arrest against any person violating the criminal provisions of the Alabama Securities Act; and neither any member of the commission nor the said secretary-examiner nor the said assistant secretary-examiner shall be in any way liable in damages or to a suit or action for damages by reason of swearing out such warrant or warrants of

for causing the arrest, detention or imprisonment of any person or persons under such warrant or warrants.

Section 14. The special assistant povided for in Section 9897 of the Code of Alabama shall be known as the Secretary-Examiner of the Commission.

Section 15. Be It Further Enacted by the Legislature of Alabama, that if the Supreme Court of the state shall hold any clause, or provision of this act unconstitutional, or otherwise invalid or ineffective, such holding by the Supreme Court shall not effect any other clause or provision of this Act, and all other clauses and provisions shall remain in full force and effect.

Section 16. Be It Further Enacted by the Legislature of Alabama, that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed, and that the provisions of this Act shall become effective upon approval by the Governor.

Approved July 28, 1931.

No. 658) (S. 399—McDaniel.

AN ACT

For the relief of The National Life and Accident Insurance Company, Inc., a corporation, and to appropriate for said National Life and Accident Insurance Company, Inc., the sum of $4,481.75, for money paid by it to the State of Alabama during the year 1927 in the form of retaliatory tax wrongfully charged said company by the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1.—That out of the funds of the State Treasury not otherwise appropriated, there is hereby appropriated the sum of $4,481.75 for the relief of The National Life and Accident Insurance Company, Inc., a corporation, money wrongfully charged to and paid by said corporation to the State of Alabama in the form of retaliatory tax as follows: $4,481.75 paid on, to-wit: April 27, 1927.

Section 2.—That immediately after the passage of this Act and its approval by the Governor, the State Auditor shall issue his warrant upon the State Treasurer in favor of the said National Life and Accident Insurance Company, Inc., a corporation, in the sum of $4,481.75.

Approved July 28, 1931.

No. 659) (S. 400—McDaniel.

AN ACT

For the relief of the Volunteer State Life Insurance Company, a corporation, and to appropriate for said Volunteer State Life Insurance Company, a corporation, the sum of $1668.97 for money paid by it to the State of Alabama during the years 1926 and 1927 in the form of retaliatory tax wrongfully charged said company by the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1.—That out of any funds of the State Treasury not otherwise appropriated there is hereby appropriated the sum of $1668.97 for the relief of The Volunteer State Life Insurance Company, a corporation, money wrongfully charged to and paid by said corporation to the State of Alabama in the form of retaliatory tax as follows: $863.64 paid on, to-wit: March 10, 1926, and $919.65 paid on, to-wit: May 13, 1927.

Section 2.—That immediately after the passage of this act and its approval by the Governor, the State Auditor shall issue his warrant upon the State Treasurer in favor of the said Volunteer State Life Insurance Company, a corporation, in the sum of $1668.97.

Approved July 28, 1931.

No. 660) (S. 401—McDaniel.

AN ACT

For the relief of the Independent Life Insurance Company, a corporation, and to appropriate for said Independent Life Insurance Company, a corporation, the sum of $1,169.60, for money paid by it to the State of Alabama during the years 1926 and 1927 in the form of retaliatory tax wrongfully charged said company by the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1.—That out of any funds of the State Treasury not otherwise appropriated, there is hereby appropriated the sum of $1169.60 for the relief of the Independent Life Insurance Company, a corporation, money wrongfully charged to and paid by said corporation to the State of Alabama in the form of retaliatory tax as follows: $648.95 paid on, to-wit: April 27, 1926, and $520.64 paid on, to-wit: June 13th, 1927.

Section 2. That immediately after the passage of this Act and its approval by the Governor, the State Auditor shall issue his warrant upon the State Treasurer in favor of the said Independent Life Insurance Company, a corporation, in the sum of $1,169.60.

Approved July 28, 1931.

No. 661) (S. 420—Warren

AN ACT

To amend Section 125 of the Alabama School Code of 1927.

Be it Enacted by the Legislature of Alabama:

That Section 125 of the Alabama School Code of 1927, be amended to read as follows:

Section 125. Age of child to enter school.—No child who is under six years of age on December 1st. of any year shall have the right to compel admission to school during that school year.

Approved July 28, 1931.

No. 662) (S. 427—McDaniel.

AN ACT

For the relief of the Provident Life and Accident Insurance Company, a corporation, and to appropriate for said Provident Life and Accident Insurance Company, a corporation, the sum of $4,296.72, for money paid by it to the State of Alabama during the years 1925 and 1926 in the form of retaliatory tax wrongfully charged said company by the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section One: That out of any funds of the State Treasury not otherwise appropriated there is hereby appropriated the sum of $4,296.72 for the relief of the Provident Life and Accident Insurance Company, a corporation, money wrongfully charged to and paid by the said corporation to the State of Alabama in the form of retaliatory tax as follows: $2,286.55 paid on, to-wit, March 11th, 1926, and $2,568.02, paid on, to-wit, April 19, 1927.

Section Two: That immediately after the passage of this Act and its approval by the Governor, the State Auditor shall issue his warrant upon the State Treasurer in favor of the said Provident Life and Accident Insurance Company, a corporation, in the sum of $4,296.72.

Approved July 28, 1931.

No. 664) (S. 606—Teasley

AN ACT

To require the tax assessors and tax collectors of the several counties in this State, having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties; to provide for

reports and payments of collections by tax collectors; and to fix compensation of said assessors and collectors for the performance of their duties under this act, which shall be in addition to compensation now received by them for assessing and collecting taxes for the State and such counties; and to repeal all laws or parts of laws, general or local in conflict with this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the county tax assessors and county tax collectors of this State in all counties having a population of not less than 75,000 nor more than 110,000 people, according to the last or any succeeding Federal Census, in addition to assessing and collecting the ad valorem taxes due the State and said counties on motor vehicles, to collect the ad valorem taxes on motor vehicles due all cities and municipalities in such counties.

Section 2. Said tax collectors shall report and pay over the money collected under this act for said counties and municipalities at the same time and in the same manner as State and county taxes are reported and paid over by him.

Section 3. Said assessors and collectors shall each receive a commission of 5% of the amount of city or municipal taxes collected, and the tax collectors shall deduct said commissions from the amount collected before paying into the treasury of such cities or municipalities, and at the same time pay over to the tax assessor commissions due him under this act. The commissions paid to the said assessors and collectors for performance of the services as required under this act shall be in addition to any salary or compensation now received by them from the State or any of such counties.

Section 4. That all laws or parts of laws, local or general, in conflict with the provisions of this act shall be and the same are hereby repealed.

Approved July 28, 1931.

No. 666) (S. 613—Teasley

AN ACT

To abolish inferior courts in all cities of the State of Alabama now having as many as 35,000 and less than 40,000 population according to the last Federal Census, and in all cities that may hereafter have as many as 35,000 and less than 40,000 population according to any subsequent Federal Census, and in all precincts lying within or partly within any such cities, and to provide for the continuation or recreation of the offices of Justices of the Peace in such precincts.

Be it Enacted by the Legislature of Alabama:

Section 1. That inferior courts heretofore created in lieu of the Justices of the Peace in all cities of the State of Alabama now

having as many as 35,000 and less than 40,000 population according to the last Federal Census, and in all cities that may hereafter have as many as 35,000 and less than 40,000 population according to any subsequent Federal Census, and in all precincts lying within or partly within any such cities, in so far only as any such cities are concerned, be and the same are hereby abolished.

Section 2. In lieu of such inferior courts in such cities and in precincts lying within or partly within such cities the offices of Justices of the Peace are hereby continued, or re-created or established the same as they were, with the same powers and jurisdiction as they possessed, before the establishment of any such inferior courts.

Section 3. This Act shall take effect immediately upon its passage and approval.

July 30, 1931.

No. 669) (H. 245—Ware

AN ACT

To amend Section 6771 of the Code of Alabama of 1923:

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6771 of the Code of Alabama of 1923 be and the same is hereby amended to read as follows: Each member of the Court of county commissioners and board of revenues in each of the several counties of the State of Alabama shall be paid out of the county treasury of their respective counties for their services the sum of three dollars per day while occupied in the discharge of their duties as such members of the court of county commissioners or board of revenue, and five cents per mile in going to and returning from their respective courts, and the sum of three dollars per day while occupied in the discharge of their duties in letting out, inspecting and accepting, building, or repairing of any county bridge, or county building or works, and five cents per mile for each mile necessarily traveled by them in so doing, said sums to be paid on warrants drawn on the county treasurer on the order of the court of county commissioners or board of revenue. No allowance shall be made to any commissioner for per diem or mileage for inspecting roads, bridges, etc., except when acting under authority of an order of the commissioners' court previously made. Provided however that in cases of emergency and when necessity demands it shall be permissible for any member of the commissioners court or board of revenue to make inspections of roads and bridges and that such member shall be allowed his per diem and mileage on proof being made by such member to the court of county commis-

sioners or boards of revenue that such emergency existed, and by filing a certified, itemized, statement of the amount of time spent and mileage traveled in making such inspection. Provided this shall not apply to counties in which the compensation of the members of the governing body of the county is fixed by local law or to any county having a population of as much as 60,000 according to the last or any succeeding Federal Census.

Approved July 31, 1931.

No. 671) (H. 423—Davis of Macon.

AN ACT

To Suppress The Evils Of Gambling Devices, To Define Gambling Devices, To Make Their Possession, Keeping, Or Ownership Unlawful, To Prescribe Punishments For Any Person, Firm, Corporation Or Association Of Persons Who Possesses, Keeps, Owns, Sets Up, Operates Or Conducts, Or Who Permits To Be Set Up, Operated Or Conducted, Such Gambling Devices; To Provide For Their Seizure, Forfeiture, Condemnation And Destruction; To Provide For The Forfeiture And Disposition Of Their Contents, And To Prescribe And Fix The Duties Of Sheriffs And Solicitors With Reference To Such Gambling Devices, And To Allow Any Person, Firm, Corporation Or Association Of Persons, Or The State, An Appeal To The Court Of Appeals Of Alabama From Any Decree Of A Circuit Court Forfeiting And Condemning Any Such Gambling Device.

Be it Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS.—That the term gambling device shall include and be deemed to embrace the following: (a) Any machine, mechanical device, contrivance, appliance or invention, whatever its name or character, in the use of which a consideration is paid or deposited, and there is gambling or the hazarding of small amounts of money or property to win larger amounts of money or property. (b) Any machine, mechanical device, contrivance, appliance or invention, whatever its name or character, which determines the result of winning or losing money or property by chance, lot or luck, in which neither the will nor skill of man can operate to influence the result of winning or losing. (c) Any machine, mechanical device, contrivance, appliance or invention, whatever its name or character, for the division of or distribution of either money or articles of personal property, where said distribution or division is to be determined by lot or chance amongst those who take shares or are interested in the scheme. (d) Any machine, mechanical device, contrivance, appliance or invention, whatever its name or character, which is operated or can be operated as a game of chance. (e) Any machine, mechanical device, contrivance, appliance or invention, whatever its name or character, where

money or property is hazarded on chance, or risked on an uncertain event. (f) Any machine, mechanical device, contrivance, appliance or invention, whatever its name or character, into which money is placed or deposited upon chance or upon the result of the action of such machine, mechanical device, contrivance, appliance of invention. (g) Any machine, mechanical device, contrivance, appliance or invention, whatever its name or character, which dispenses to the player or operator of the same any package of merchandise and also gives the player or operator the chance of placing himself in a position where his next succeeding play will assure him of a return of several times the value of the coin placed therein by him. (h) Any machine, mechanical device, contrivance, appliance or invention, whatever its name or character, intended for the purpose of winning money or any other thing by chance or hazard. (i) Any machine, mechanical device, contrivance, appliance or invention used or intended to be used as a substitute for, or in place of, any machine, mechanical device, contrivance, appliance or invention described and enumerated in paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) of this Act.

Section 2. MACHINES OR DEVICES NOT REGARDED AS UNLAWFUL.—The provisions of this Act shall not apply to any machine, mechanical device, contrivance, appliance or invention by which merchandise is dispensed in a uniform quantity to each purchaser, although the price may be deposited in a slot in such machine, mechanical device, contrivance, appliance or invention, provided such machine or device can not be played for money, property, checks, credits, or any other representative or token of value. Nor shall the provisions of this Act apply to machines or devices where the element of chance is wholly absent, as where the machine or device indicates with absolute certainty, before the player deposits his coin or check, what he will receive from the machine, mechanical device, contrivance, appliance or invention.

Section 3. UNLAWFUL TO POSSESS, KEEP, OWN, SET UP, OPERATE OR CONDUCT GAMBLING DEVICES. —That it shall be unlawful for any person, firm, corporation or association of persons, within this State, to possess, keep, own, set up, operate, or conduct, or permit to be set up, operated, or conducted, any gambling device prescribed in Section 1 of this Act, at any place whatsoever.

Section 4. PUNISHMENTS FOR VIOLATING ACT.—Any violation of the provisions of this Act shall be a misdemeanor punishable by a fine of not more than five hundred dollars, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail, or confinement at hard labor for the county, for not more than six months.

Section 5. DUTY OF SHERIFF TO SEIZE AND REMOVE.—It shall be the duty of the sheriff of any county in which any gambling device may be found to seize the same, remove it from the place where it is found, and keep until disposed of as hereinafter provided in this Act. Within five days after the seizure and removal of any gambling device, the sheriff making the same shall report the seizure and detention to the circuit or other solicitor, or deputy solicitor, or any prosecuting officer within the county where the gambling device was found or seized, giving a full description thereof, the number of the device, if any, the place and firm of manufacture, the person in whose possession it was found, the person making claim to the same, or any interest therein, if the name can be ascertained or is known, and the date of the seizure.

Section 6. DUTY OF SOLICITOR TO FILE BILL FOR FORFEITURE AND CONDEMNATION.—Upon the receipt of the report from the sheriff mentioned in Section 5 of this Act it shall be the duty of the circuit or other solicitor or deputy solicitor, or any prosecuting officer within the county wherein the gambling device was found or seized, to forthwith file a bill in equity in the circuit court of the proper county, praying that such seized device be declared a gambling device, be forfeited with its contents to the State, and be destroyed. Any person, firm, corporation or association of persons in whose possession said device may be found, or who shall claim to own the same, or any interest therein, shall be made a party defendant to said bill, and thereupon such matter shall proceed and be determined in equity in the circuit court of the proper county in the same form and manner, as near as may be, as in cases for the forfeiture and destruction of contraband liquors, conveyances and vehicles transporting prohibited liquors within the State, except as herein otherwise provided.

Section 7. DISPOSITION OF CONTENTS OF GAMBLING DEVICE.—It shall be the duty of any sheriff or other officer seizing and removing any gambling device to open the same in any manner, in the presence of the register of the circuit court, in equity, for the proper county, to take therefrom any money or property found therein, and to turn over and deliver to the said register said money or said property. The register shall safely keep said money and other property found in such gambling device, and if said device is condemned and forfeited as being in violation of the terms of this Act, the court shall direct in its decree that one-half of the money, or monies, taken therefrom, shall be paid to the officer making the seizure, and the remaining one-half shall be paid into the general fund of the county in which said gambling device was found and seized. Anything else found in said gambling device,

such as candies, gums, merchandise, or other personal property, shall be disposed of as the court may in its decree direct.

Section 8. APPEAL LIES TO COURT OF APPEALS.—From any decree or judgment of the circuit court, in equity, condemning any device to be a gambling device, the party or parties aggrieved thereby may appeal to the Court of Appeals of Alabama, within fifteen days from the date of such decree or judgment, upon giving security for the cost of such appeal. And from any judgment or decree of the circuit court, in equity, denying the condemnation and forfeiture of any such device, the State may likewise appeal within fifteen days without the giving of any bond. When any person, firm, corporation, association of persons, or the State, appeals, the alleged gambling device shall remain in the custody of the sheriff until a final determination of the cause on appeal.

Section 9. DECREE TO DIRECT DESTRUCTION OF GAMBLING DEVICE.—When any decree of condemnation and forfeiture is made in any case filed under the provisions of this Act, the judge or chancellor making such decree shall direct therein the destruction of said gambling device by the sheriff of said county in the presence of the register of the court; and said order or decree, in the event no appeal is taken, shall be carried out and executed before the expiration of twenty days from the date of the decree.

Section 10. HOW COSTS ARE TO BE PAID.—Upon any decree of condemnation and forfeiture, the court, at its discretion, shall direct that the costs of the proceedings be paid by the person in whose possession said gambling device was found, or by any party or parties who claimed to own said gambling device, or any interest therein, and who contested its condemnation and forfeiture, and if such costs are not collected by execution, the register shall tax and collect such costs from the county in which said bill was filed, and same shall be paid as in criminal cases in which the State fails, upon the court making an order to that effect.

Section 11. IF ONE PART OF ACT DECLARED VOID, OTHER SECTIONS NOT AFFECTED.—If, for any reason, any section, paragraph, provision, clause or part of this Act shall be held unconstitutional or invalid, that fact shall not affect or destroy any other section, paragraph, provision, clause or part of this Act not in and of itself invalid, but the remaining provisions shall be enforced without regard to those so invalidated.

Section 12. This shall take effect on October 1st, 1931.

Approved July 25, 1931.

No. 672) (H. 1026—Bradford of Jefferson

AN ACT

To prohibit the sale of liquid fuels, lubricating oils, and similar products, under false or fictitious names:; the use of containers, tanks, pumps, or other distributing equipment, for the storage or sale of fuels, oils, or similar products, other than those indicated by the name, device, sign, or distinguishing marks, upon such containers, pumps, or distributing equipment; to prohibit adulteration, and fixing penalties.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any person, firm, copartnership, association, or corporation, to store, sell, expose for sale, or offer for sale, any liquid fuels, lubricating oils, or other similar products, in any manner whatsoever, so as to deceive or tend to deceive the purchaser as to the nature, quality, and identity, of the product so sold or offered for sale.

Section 2. It shall be unlawful for any person, firm, copartnership, association, or corporation to store, keep, expose for sale, offer for sale, or sell, from any tank or container, or from any pump, or other distributing device or equipment, any other liquid fuels, lubricating oils, or other similar products, than those indicated by the name, trade name, symbol, sign, or other distinguishing mark, or device, of the manufacturer or distributor, appearing upon the tank, container, pump, or other distributing equipment, from which the same are sold, offered for sale, or distributed.

Section 3. It shall be unlawful for any person, firm, copartnership, association, or corporation, to disguise or camouflage his or their own equipment, by imitating the design, symbol, trade name, of the equipment, under which recognized brands of liquid fuels, lubricating oils, and similar products, are generally marketed.

Section 4. It shall be unlawful for any person, firm, copartnership, association, or corporation to aid or assist any other person, association, or corporation, in the violation of the provisions of this act, by depositing or delivering into any tank, receptacle, or other container, any other liquid fuels, lubricating oils, or like products, than those intended to be stored therein and distributed therefrom, as indicated by the name of the manufacturer or distributor or the trade name of the product displayed on the container itself, or on the pump, or other distributing device used in connection therewith.

Section 5. Any person, firm, copartnership, association or corporation, or any servant, agent, or employee thereof, violating any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than twenty-five and not more than one hundred dollars for the first offense, and of not less than one hundred nor more than five hundred dollars for each subsequent offense.

Approved July 31, 1931.

No. 673) (S. 199—Lapsley

AN ACT

"To amend Section 3146 of the Code of Alabama of 1923."

Be It Enacted by the Legislature of Alabama that Section 3146 of the Code of Alabama of 1923 be and the same is hereby amended to read as follows: Section 3146. The provision of the two preceding sections shall apply to all persons and corporations who are now or may hereafter be justly and equitably entitled to have money erroneously paid for taxes refunded, such payment having been made within one year preceding the Commencement of any action, suit or proceedings for its recovery; and no action or suit or other proceeding can be maintained unless brought or commenced within one year after such payment was made.

Approved July 28, 1931.

No. 674) (S. 504—Lapsley

AN ACT

To prohibit the State of Alabama, the State Docks Commission, or any other agency or commission of the State, from granting any exemption from any State, county or municipal taxation; and to modify or repeal any Act or Acts contrary to the Provisions hereof.

Be it Enacted by the Legislature of Alabama:

1. That from and after the passage of this Act no exemption from State, County or municipal taxation may be given or granted, or otherwise permitted or extended by the State, the State Docks Commission, or any other agency or commission of the State, provided however the provisions of this Act shall not affect any such tax exemption heretofore granted by the State, the State Docks Commission, or any agency or Commission of the State for a period of not exceeding twenty years, and any such exemption heretofore granted for a period of more than twenty years shall expire and become null and void at the expiration of twenty years from the date on which the same was so granted;

2. That the provisions hereof shall not apply to the granting of any tax exemption now or hereafter made by any County or municipality under the provisions of any law, general, local or special;

3. That if any section, clause or provision of this Act is held unconstitutional or invalid by any court of competent jurisdiction, it shall not affect any section, clause or provision not in and of itself unconstitutional or invalid.

4. This Act shall be effective immediately upon approval of the Governor.

Approved August 4, 1931.

No. 676) (H. 840—Sanderson

AN ACT

To amend Section 19 of an Act approved July 22, 1927, Entitled "In Reference to and to Further Provide for the General Revenue of the State of Alabama."

Be it Enacted by the Legislature of Alabama:

Section 1. That section 19 of an act approved July 22, 1927, entitled "In Reference to and to Further Provide for the General Revenue of the State of Alabama", be amended to read as follows: Section 19. Exemptions of Non-resident Owners. The provisions of the foregoing sections relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a non-resident of this State and not used for hire in this State, nor to motor vehicles hauling for hire household goods exclusively for the householder, which said motor vehicles make only infrequent or occasional trips into this State, provided that the owner thereof shall have complied with the provisions of the law of the foreign country, State, territory or federal district of his residence relative to registration of motor vehicles and the display of registration numbers thereon, and shall conspicuously display his registration number as required thereby. The provisions of this section shall apply as to a motor vehicle owned by a non-resident of this State only to the extent that under the laws, rulings or practices of the foreign country, State, territory or federal district of his residence like exemptions and privileges are granted to motor vehicles duly registered under the laws of and owned by residents of this State; provided that nothing herein shall be construed to permit the use of any motor vehicles for hire by non-residents other than as above specified, without complying with the provisions of this act.

Approved July 30, 1931.

No. 677) (H. 871—McGowin

AN ACT

To amend Section 243 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 243 of an Act entitled "An Act to provide for the general revenue of the State of Alabama," Approved September 15, 1919, be amended so as to read as follows: Section 243. On receiving such book and as speedily as practicable the judge of probate shall issue a notice addressed to each person against whom any unpaid taxes are assessed as shown by such book, sub-

stantially in the following form: "State of Alabama, (give name of county) county, To (give name of taxpayer): The Tax Collector has filed in my office a list of delinquent taxpayers, and of real estate upon which taxes are due. You are reported as delinquent, and your tax amounts to (here give amount of taxes) with costs added. This is to notify you to appear before the probate court of said county at the next term thereof, commencing on Monday, the_____ day of_____19_____, then and there to show cause, if any you have, why a decree for the sale of property assessed for taxation as belonging to you, should not be made for the payment of the taxes thereon, and fees and costs. (Here probate judge's signature) Judge of Probate." Such notice must be served by the Tax Collector, or his deputy, on the person to whom it is addressed, and service of such notice may be made by handing a copy thereof to the party to whom it is addressed, or his agent, or by leaving a copy thereof at the residence or place of business of such party, or his agent, or by sending a copy of said notice to the party to whom it is addressed, by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed", and return receipt demanded addressed to the Tax Collector of the county; and with his endorsement thereon, showing how and when served, showing his reason for not serving the same, it must be by the Collector, or his deputy, returned into Court on or before the first day of the next term thereof. If the party against whom such assessment was made has since died, and letters testamentary or of administration have been granted upon his estate, such notice must, in like manner be served on his personal representative, if a resident of the county. If the property or other objects embraced in any assessment were returned or listed by a guardian, or other person, for a minor or person of unsound mind or by a trustee for his cestui que trust, except husband or wife, or by personal representative for the estate of any deceased person or by a public officer, receiver, or appointee of any court, such notice must in like manner be served on the party making the return, or his successor, and also by publication or posting, as provided in the next succeeding section; and the book to be prepared and delivered to the judge of probate by the collector must show in each case, by whom such returns were made.

Section 2. This Act shall take effect immediately upon approval by the Governor.

Approved August 4, 1931.

No. 678) (H. 1043—McElderry

AN ACT

To amend an Act, approved September 6, 1927, entitled an Act "To authorize the State Board of Education to prepare and maintain a register of those blind persons living in the State of Alabama in which is shown their condition, cause of blindness, and capacity for education and industrial training; to set up a bureau of information and industrial aid for the blind; to assist other agencies in developing home industries; to aid in furnishing books, materials, and tools for rehabilitation of the blind; to devise other means of helping them; to provide for an annual report on the activities of the State Board of Education in connection therewith; and to make an appropriation for carrying out the provisions of the Act."

Be it Enacted by the Legislature of Alabama:

That Section 2 of an Act "To authorize the State Board of Education to prepare and maintain a register of those blind persons living in the State of Alabama in which is shown their condition, cause of blindness, and capacity for education and industrial training; to set up a bureau of information and industrial aid for the blind; to assist other agencies in developing home industries; to aid in furnishing books, materials, and tools for rehabilitation of the blind; to devise other means of helping them; to provide for an annual report on the activities of the State Board of Education in connection therewith; and to make an appropriation for carrying out the provisions of the Act" be so amended as to read as follows: Section 2. The State Board of Education shall maintain a bureau of information, the object of which shall be to aid the blind, whose training is not otherwise provided for, in finding employment, in the developing home industries, and in marketing their products. It shall in its discretion furnish materials, tools, and books for use as a means in rehabilitating such blind persons, and it may, through the employment of teachers, give home instruction to blind persons within the ages fixed by the Civilian Rehabilitation Act, provided that it shall not undertake the permanent support or maintenance of any blind person. The State Board of Education is hereby authorized within its discretion to use any part of the fund appropriated herein to purchase materials as a means of promoting home industries; such material to be used in the training of blind persons and, after training, all materials supplied to be converted into marketable products—the cost of this material to be credited to the fund provided under this Act for further use in assisting blind persons in establishing and maintaining home industries. Records shall be kept showing the purchase of all equipment and supplies and the part of the expenditure of same made for training. In order that the provisions of this section may be made effective the State Board of Education is hereby authorized to cooperate with other agencies in the State that may be interested in blind relief in establishing a sales agency for products made by the blind. The

State Board of Education may provide at its discretion employment tools, supplies, and material necessary in the rehabilitation of blind persons, not otherwise provided for in this Act, and may expend funds provided herein for physical restoration of indigent blind persons when this is necessary to their rehabilitation.

Approved August 4, 1931.

No. 680) (H. 1078—Kelly of Conecuh.

AN ACT

To create official State grades for strawberries and prescribe the marking of containers therefor; and to provide penalties for the violation of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1.—That the grades for strawberries recommended by the Bureau of Agricultural Economics of the United States Department of Agriculture and recognized in the central markets of the country as Government Grades with an additional grade to be known as Alabama Combination grade it being an intermediate grade between U. S. No. One and U. S. No. Two are hereby made the official State grades for all strawberries in the State of Alabama presented for intrastate or interstate shipment, and that all containers so presented for shipment, whether by truck, train, or boat, shall have stamped thereon the name, address or serial number of the person producing or marketing the strawberries, as well as the name and grade of the strawberries contained therein. No standard established under this section for the grade of strawberries shall affect the right of any person to dispose of such strawberries without conforming to the standards set forth in such, but when such strawberries are presented for shipment without having been graded to conform to such standards, such person shall be required to mark or stamp in a conspicuous place on each crate or container, in dark colored letters not less than one inch in height, the word "Unclassified", or the word "Ungraded" as the case may be.

Section 2.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars, nor more than five hundred dollars, and may also be sentenced to imprisonment in the county jail or hard labor for the county for not more than six months, one or both, in the discretion of the court.

Approved July 30, 1931.

No. 683) (H. J. R. 237—McElderry

HOUSE JOINT RESOLUTION

WHEREAS, the State of Alabama owns a bridge across the Coosa River connecting the counties of St. Clair and Talladega on the highway between the City of Talladega and Pell City, and WHEREAS, the lands adjacent to said bridge was acquired from the United States Government by Jeremiah Collins and from him passed to his son, Jesse A. Collins, the said Jesse A. Collins being a well known and outstanding Baptist Minister in that section of Alabama from the year 1836 to 1880 and contributed of his time, efforts and means in developing that section of Alabama and redeeming it and was a contributing factor in redeeming it from Carpetbag rule during the days of Reconstruction, and WHEREAS, the late Thomas L. Plowman was a native of Talladega County, a loyal Confederate soldier, an able member of Congress, and an enthusiastic good road advocate, and the first President of the Bankhead National Highway Association; now, therefore:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the State bridge locally known as the Easonville and Stemley Bridge, over the Coosa River, connecting the Counties of Talladega and St. Clair, be officially designated by the Legislature of Alabama as the COLLINS-PLOWMAN BRIDGE.

RESOLVED FURTHER, That the Department of Archives and History is hereby authorized to formulate plans for a public dedication and that the State Highway Department is authorized to place at the expense of said Department ,a bronze name plate at both ends of the bridge as has been done with other memorial bridges in the State.

Approved August 1, 1931.

No. 684) (H. 300—Grove

AN ACT

To Repeal Section 6922 of the Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6922, Code of Alabama, 1923, be and the same is hereby repealed.

Section 2. The purpose of the Legislature in repealing this Section is hereby declared to be to reinstate the so-called Common Law Rule against Perpetuities as to documents affecting land, so that the rule against Perpetuities applicable to personal property and to land shall be the same.

Section 3. This Act applies only to limitations and trusts coming into operation after the approval of this Act.

Approved July 31, 1931.

No. 686) (H. 663—Grove

AN ACT

To propose an amendment to the Constitution of Alabama to authorize Mobile County, through a commission to be appointed as shall be provided by the Legislature for that purpose, to purchase, build, or otherwise acquire and maintain and operate embankments, sea walls, and other protection against seas, waves, tides, storms and floods in the County of Mobile along or near the shores of said County which border upon tidal waters, and to purchase, build or otherwise acquire and maintain and operate all appurtenances and improvements of whatsoever nature necessary or useful thereto, including jetties, wharves, roads, boulevards, parks, ornamental lighting systems, buildings, and recreation facilities; to authorize Mobile County to issue bonds for such purposes; to provide for the payment of such bonds; to authorize a county excise license tax on the distribution of motor vehicle fuels and lubricating oils; to authorize said County to levy special assessments against property benefited by such improvements; to authorize the allocation of state excise taxes on motor fuels and state license taxes on motor vehicles, tractors, busses, trailers, and trucks to Mobile County for such purposes; to authorize the creation of a revolving fund to assure the payment of such bonds and the levy of taxes for the replenishment of such fund; to authorize the Legislature to adopt local acts in furtherance of the purposes of said amendment; to ratify certain acts adopted by the 1931 Alabama Legislature; and to provide for the submission of said amendment to the qualified electors of the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama at the next general election to be held on the first Tuesday after the first Monday in November, 1932. The proposed amendment is as follows: Mobile County is authorized, through a commission to be appointed as shall be provided by the Legislature for that purpose, to purchase, build, or otherwise acquire and maintain and operate embankments, seawalls and other protection against seas, waves, tides, storms, and floods in the County of Mobile along or near the shores of said County which border upon tidal waters, and to purchase, build, or otherwise acquire and maintain and operate all appurtenances or improvements of whatsoever nature necessary or useful thereto, including jetties, wharves, roads, boulevards, parks, ornamental lighting systems, and buildings and recreation facilities. To accomplish such purposes said commission may issue the bonds of the County, said bonds to be payable from any or all of the following revenues, which are hereby authorized and which revenues may also be used to pay such part of the cost of such improvements and legitimate expenses of said commission as are not paid from the proceeds of bonds: (1) such county excise license taxes as the Legislature may require to be levied by the Board of Revenue and Road Commissioners on motor vehicle fuels and lubricating oils distributed in said County; (3) special assessments to be

levied by said commission against property benefited by the improvements herein authorized to the amount of the increased value of such property by reason of the special benefits to be derived from such improvements, as such increased value is determined by said commission. The Legislature may provide that for such period as it may direct the assessed valuation for purposes of general taxation of property so assessed shall not be increased by reason of the increased value of said property resulting from the improvements herein authorized; (4) such other revenues as may for such purposes be allocated to said commission by the Legislature or by the Board of Revenue and Road Commissioners of Mobile County. To assure the payment of principal and interest of bonds issued hereunder, a revolving fund sufficient for that purpose shall be created and maintained, to be established in the first instance from the proceeds of the bonds assured. Lands or rights in land owned by the State of Alabama and reasonably necessary to said commission in carrying out the objects for which it is created, shall upon request of the commission be conveyed or donated to the commission on such terms as the Legislature may direct. Except as herein otherwise directed, this amendment shall be self-executing, but in furtherance of the purposes of this amendment the Legislature may without notice and free from other Constitutional restrictions affecting local laws, enact such local laws as it deems advisable. All laws enacted by the 1931 Session of the Alabama Legislature providing for or in aid of a Road and Seawall District in Mobile County the effectiveness of which may be in whole or part dependent upon the ratification of this amendment, are hereby ratified, confirmed and rendered immediately effective, including House Bill Number 1006; House Bill Number 1007; House Bill Number 1008; House Bill Number 1009; House Bill Number 1010; are hereby ratified, confirmed and rendered immediately effective as laws. It shall be permissible for said District to receive aid from and work in co-operation with the State, Federal, or County Government, in accomplishing the purposes of this amendment, or any bills enacted to carry out its purposes. This amendment shall be full and independent authority for the powers herein conferred and such powers, including the issuance of bonds, may be exercised free from the restrictions and limitations elsewhere in this Constitution established. The invalidity of any part or provision of this amendment shall not affect the validity of the remainder.

Section 2. It is ordered by the Legislature that an election by the qualified electors of this State upon the aforesaid proposed amendment be held at the next general election to be held on the first Tuesday after the first Monday in November, 1932.

Passed House and Senate July 25, 1931.

No. 687) (H. 789—Patterson

AN ACT

To prohibit the writing of contingent or so called mortality endowment contracts by life insurance companies, mutual aid associations and fraternal benefit societies, to further regulate the writing of such contracts and to repeal all laws and parts of laws in conflict with this act.

Be it Enacted by the Legislature of Alabama:

Section 1. No life insurance company, mutual aid association, or fraternal benefit society, order or association operating in this State shall hereafter be permitted to issue policies, certificates or contracts to policyholders or members providing for the establishment of its policyholders or members into divisions and classes for the purpose of providing for the payment of benefits from special funds created for such purpose to the oldest member of the division and class, or to the member of the division and class whose policy has been in force the longest period of time, upon the death of a member in such division and class, except as hereinafter provided.

Section 2. Any life insurance company, mutual aid association, or fraternal benefit society, order or association, heretofore operating on this plan in this State may continue so to do upon condition that such life insurance company, fraternal, benefit society, or mutual aid association shall not hereafter establish its policyholders, or members, into divisions or classes other than the divisions or classes actually containing subsisting policies, or certificates, when this act shall become a law; and provided that no life insurance company (including any organization of whatsoever character engaged in the writing of life insurance upon any plan) and no fraternal benefit society, order or association, and no mutual aid association, shall be permitted to operate on such endowment plan unless it have a paid in capital stock, if a stock company, of at least One Hundred Thousand ($100,000.00) Dollars, or a surplus if a mutual company, or fraternal benefit society, order or association of at least Twenty-Five Thousand ($25,000.00) Dollars, which shall be increased to One Hundred Thousand ($100,000.00) Dollars within six years.

Section 3. In order to pay such endowments as they severally mature as well as to pay all other benefits incorporated in any such policies, certificates, or contracts of insurance, any life insurance company, fraternal benefit society, or mutual aid association now operating upon this plan in this State shall establish and maintain on each such policy a reserve upon a basis not lower than the American Experience Table of Mortality, Modified Preliminary Term, Illinois Standard, and interest assumption of three and one-half percentum covering each contingency provided for in such policy.

Section 4. All laws and parts of laws in conflict with this act are hereby repealed.

Approved July 30, 1931.

No. 689) (H. J. R. 255—Robinson

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the house, the senate concurring, that Oct. 12th be officially designated as a holiday, to be known as Columbus Day and Fraternal Day.

Approved July 30, 1931.

No. 690) (S. 6—Beasley

AN ACT

To amend Section 5013 of the 1923 Code of The State of Alabama.

Be it Enacted by the Legislature of the State of Alabama that Section 5013 of the 1923 Code of the State of Alabama be amended so as to read as follows:—Section 5013. Posting or leaving obscene picture, writing or printing—Any person who wilfully posts up or leaves any obscene or vulgar picture, placard, writing, or printed matter about or near to any church, dwelling, school, academy, or a public highway, or a private path or road way where one or more persons are known to travel, or in any store house, or public place, must, on conviction, be fined not less than ten nor more than five hundred dollars or be punished by hard labor for the county not to exceed twelve months.

Approved July 31, 1931.

No. 691) (S. 385—Darden

AN ACT

To make an appropriation by the State of Alabama for the relief of W. H. Gilliland and S. V. Saxon, doing business under the name and style of Gilliland & Saxon Lumber Company, in the sum of $186.40, with interest from March, 1929, for lumber sold to the State of Alabama or the State Highway Department, in March 1929, under Requisition Order No. 20317 of the State Board of Administration of the State of Alabama, out of any funds out of the State Treasury not otherwise specifically appropriated.

Be it Enacted by the Legislature of Alabama:

Section 1—That the sum of One Hundred and Eighty-six & 40/100 Dollars is hereby appropriated out of any funds in the State Treasury not otherwise specifically appropriated for the relief of W. H. Gilliland and S. V. Saxon, doing business under the firm

name and style of Gilliland & Saxon Lumber Company for 5776 feet of lumber sold and delivered to the State of Alabama, or to the State Highway Department, in March, 1929, on and under Requisition of the State Board of Administration Order No. 20317, with interest thereon since March, 1929; and which lumber has never been paid for by the State nor by the State Highway Department.

Section 2—On the approval of this Act, the State Auditor is hereby directed to draw his warrant on the State Treasurer of Alabama, for the amount named in Section 1 of this Act and to deliver the same to the said W. H. Gilliland and S. V. Saxon, doing business under the name and style of Gilliland & Saxon Lumber Company.

Section 3—The provisions of this Act shall go into effect on its passage and approval by the Governor.

Approved August 4, 1931.

No. 695) (S. 245—Warren

AN ACT

To authorize an investigation of the water resources of the State of Alabama, to authorize the State Geologist to enter into contracts with the United States Government or department thereof, or person, firm or corporation for cooperative action in collecting and publishing such information and to make an appropriation therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Geologist be and he is hereby authorized to collect, classify and file information and data relative to the water resources of the State. He is also authorized to enter into contracts and agreements with the United States Government or any Department thereof or any person, firm or corporation for cooperative action in collecting and publishing such information and data.

Section 2. BE IT FURTHER ENACTED, that to carry out the provisions of this Act the sum of five thousand dollars is hereby appropriated annually, until otherwise ordered by the Legislature, out of any money in the Treasury not otherwise appropriated, and the Auditor is hereby authorized to draw his warrants on the State Treasury for the said five thousand dollars annually until otherwise ordered by the Legislature, which State warrants shall be issued only on the order of State Geologist, approved by the Governor, at such times and in such amounts as the necessities of the work may require.

Approved August 1, 1931.

No. 696) (S. 247—Edmundson.

AN ACT

To Amend Sections 688, 689, 691, 693, 694, 695 Code of Alabama 1923, relating to Practice of Embalming.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 688 Code of Alabama 1923 be amended to read as follows: Section 688. (538) (1704) STATE BOARD OF EMBALMING ESTABLISHED:—There is established the State Board of Embalming which shall consist of five members to be appointed by the Governor, who shall also have power to fill by appointment all vacancies occurring on the Board. The members of the Board shall be residents of the State, qualified electors and duly registered and licensed embalmers.

Section 2. That Section 689 Code of Alabama 1923 be amended to read as follows: Section 689. (539) (1705) APPOINTMENT AND TERM OF OFFICE:—The term of office of one member of the Board shall expire on the 30th day of May of each year, and the Governor shall annually appoint one member of the Board who shall hold office for a term of five years. The Governor shall have the power to remove from office any member of the Board for neglect of duty, incompetency, or improper conduct.

Section 3. That Section 691 Code of Alabama 1923 be amended to read as follows: Section 691 (541) (1707) POWERS AND DUTIES OF THE BOARD:—For the protection of life and health, to prevent the spread of contagious disease and to regulate the practice of embalming of dead human bodies the Board shall have the power and it shall be its duty: 1. To prescribe the educational qualifications, standard of proficiency, and fitness of those persons who may engage in the practice of embalming dead human bodies. 2. To meet at least once in each year, and oftener as the proper and efficient discharge of its duties may require. 3. To elect annually a president and secretary from the members of the Board, who shall serve for one year, or until their successors shall be elected and qualified. 4. To adopt a common seal. 5. To adopt rules and regulations and by-laws not inconsistent with the laws of this state or of the United States, whereby the performance of the duties of the Board and the practice of embalming dead human bodies shall be regulated. 6. To hear and try charges against any licensed embalmer for incompetency, immorality, drunkenness or any offense involving moral turpitude, and to revoke the license of any person found guilty of such offense.

Section 4. That Section 693 Code of Alabama 1923 be amended to read as follows: Section 693 (543) (1709) EMBALMERS LICENSED; FEE:—Every person desiring to engage in the practice of embalming dead human bodies shall make written ap-

plication to the state board of embalming for a license, accompanied by a license fee of "Twenty" five dollars, and shall appear before the board at a time and place to be fixed by the board, and if the board shall find upon examination that the applicant possesses "the educational qualifications", standard of proficiency and fitness prescribed by the State Board of Embalmers, is of good moral character", and has a knowledge of the venous and arterial systems, the location of the heart, lungs, stomach, bladder, womb, and other organs of the human body; the location of the abdominal, pleural and thoracic cavities; the location of the carotid, branchial, radical, ulnar, femoral and tibial arteries; the science of embalming and the care and disposition of the dead, and a reasonable knowledge of sanitation and the disinfection of dead bodies, and the apartment, clothing and bedding of the deceased, in case of death from infectious or contagious diseases, the board shall issue to the applicant a license to practice the science of embalming and the care and disposition of the dead and shall register such applicant as a duly licensed embalmer. Such license shall be signed by a majority of the board and attested by its seal. All persons receiving a license shall have it registered in the office of the judge of probate of the county in which it is proposed to carry on said practice and shall display said license in a conspicuous place in the place where such business is carried on.

Section 5. That Section 694 Code of Alabama 1923 be amended to read as follows: Section 694. (544) (1710) ANNUAL DUES: —On or before the first day of October of each year every licensed embalmer must pay to the State Board of Embalmers a fee of five dollars for the renewal of registration as a licensed embalmer and shall receive a certificate thereof. In case of default in payment of such fee for a period of thirty days the registration of each person so in default as a licensed embalmer and license therefor, shall be automatically revoked until the person so in default shall have paid to said board the fee of five dollars for the renewal of registration and the additional sum of five dollars. All expense, salary, and per diem to members of this board shall be paid from fees received under the provisions of this chapter and shall in no manner be an expense to the state. All moneys received in excess of said per diem allowance and other expenses provided for, shall be held by the said board as a special fund for meeting the expenses of said board.

Section 6. That Section 695 Code of Alabama 1923 be amended to read as follows: Section 695. (545) (1711) UNLAWFUL TO PRACTICE EMBALMING WITHOUT LICENSE:—It shall be unlawful for any person not a registered and duly licensed embalmer to embalm or attempt to embalm any dead human body, or practice embalming or hold himself or herself out as a registered or licensed embalmer.

Approved July 31, 1931.

No. 697) (S. 248—Edmundson.

AN ACT

To amend Section 3959 Code of Alabama 1923 Chapter 124 relating to the practice of Embalming without license.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 3959 Code of Alabama 1923 be amended to read as follows; Section 3959 (6827) PRACTICING EMBALMING WITHOUT LICENSE:—Any Person, not a registered and duly licensed embalmer, who shall embalm or attempt to embalm any dead human body, or who shall practice embalming, or who shall hold himself or herself out to the public as practicing or being licensed to practice embalming, shall be guilty of a misdemeanor and upon conviction must be fined not less than Fifty dollars, nor more than Five hundred dollars and may also be sentenced to hard labor for the County at the discretion of the Court for not more than six months, for each and every offense.

Approved July 31, 1931.

No. 698) (S. 269—Scruggs

AN ACT

To Amend Section 3869 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

That Section 3869 of the Code of Alabama of 1923 be, and the same is hereby amended so that it shall read as follows: "3869 DEFACING TOMBSTONE, TREES, SHRUBBERY, ETC.—Any person who wilfully or maliciously injures, defaces, removes, or destroys any tomb, monument, gravestone, or other memorial of the dead, or any fence or any inclosure about any tomb, monument, gravestone, or memorial, or who wilfully and wrongfully destroys, removes, cuts, breaks, or injures, any tree, shrub, or plant, within any cemetery or graveyard, must, on conviction, be fined not less than one hundred nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than one year."

Approved July 31, 1931.

No. 699) (S. 343—Duncan

AN ACT

To amend Section 6340 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6340 of the Code of Alabama of 1923 be and the same is hereby amended so as to read as follows: 6340. Impaired Capital-Losses. Whenever losses are sustained by a bank, such losses shall be charged on the books of the bank as losses so that the books of the bank will show the true condition of the bank. When, by reason of losses or otherwise, the capital of a bank is impaired, and when the bank has been notified by the Superintendent of Banks, under Section 6297 of the Code, to make good its impaired capital, the board of directors shall be called together immediately, and shall (a) Pass a Resolution ordering the officers of the bank to charge down the book value of the capital stock to approximately its true value; (b) Pass a Resolution authorizing and directing the officers of the bank to sell new capital stock for cash to take the place of the stock charged off, so that the impaired capital stock shall be made good. In this Resolution the directors shall fix the price at which the new stock shall be sold, which shall not be less than par. After said Resolutions are passed, the officers shall notify each stockholders of their passage by Registered Mail, postage fully paid, addressed to him at his last known place of residence, and inform him that each stockholder shall have the option of buying at the price fixed by the directors, the new capital stock in proportion to the stock held by each stockholder,—provided, such option shall be exercised within twenty (20) days from the date of said notice, but that after twenty (20) days from the date of said notice the new stock will be sold to any person desiring to purchase at the price fixed by the directors. The notice shall also request the stockholders to send in their old certificates of stock to be cancelled and new certificates issued therefor in the proper proportion as fixed by the Resolutions of the Board of Directors; but, whether or not the old certificates are sent in and cancelled, they shall have only the face or par value fixed by said Resolutions of the Board of Directors, and if not so sent in, the officers of the bank shall make a memorandum on the stub or stock book of the correct and new par value of the outstanding certificates. However, nothing in this Section shall be construed to prevent a bank from reducing its capital stock in the manner now authorized by law.

Section 2. That all laws and parts of law in conflict herewith be and the same are hereby repealed, and that this Act shall become effective upon its passage.

Approved July 31, 1931.

No. 701) (S. 386—Farmer.

AN ACT

To provide for the release of real estate from a lien for the enforcement of which a lis pendens has been filed and recorded in the office of the Judge of Probate; to provide the method and manner of such release; to provide for the payment of any such sum of money found to be due and which shall constitute a lien on said real estate; and to provide for the fees to be allowed the Judge of Probate and for the payment thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. When any lis pendens has been filed and recorded in the office of the Judge of Probate as prescribed in Sections 6878 and 6879 of the 1923 Code of Alabama, the person owning or claiming the real estate described in the lis pendens may at any time before a judgment is rendered enforcing the lis pendens lien, relieve the said real estate or any piece or parcel thereof, from the lien of said lis pendens, or any levy, lien, suit or judgment to which said lis pendens refers, by executing a bond with sufficient surety in double the amount of the fair market value of the real estate sought to be relieved, the amount of bond and the surety or sureties thereon to be approved by the Judge of Probate, which bond shall be payable to the Judge of Probate and conditioned to pay any sum of money found to be a lien upon such real estate, up to the fair market value of the said real estate sought to be relieved and released, said payment to be made by twelve o'clock noon of the day, and at the place appointed for the sale thereof; and when said bond has been taken and approved by the Judge of Probate, he shall make notation of the same on the margin of the record of the lis pendens and on the margin of the record of the lien referred to in said lis pendens. Provided, however, that the provisions of this act shall not apply to or effect a release of lands involved in any suit to exercise the right of eminent domain.

Section 2. If the makers of such bond do not make payment according to the conditions thereof, the court officer advertising the sale of such real estate shall within five days thereafter forfeit said bond and issue or have issued from the proper court officer, without delay, an execution on the forfeited bond against all the obligors therein for the amount found to be a lien upon said real estate relieved and released by said bond, up to the fair market value of the said real estate so relieved and released, together with cost, all of which shall be indorsed on the said execution.

Section 3. The Judge of Probate of each county in the State of Alabama shall keep in his office as a public record a suitable book, appropriately designated, in which all such bonds shall be recorded and properly indexed.

Section 4. The Judge of Probate, for the services herein required of him, shall receive a fee of one dollar for approving the

said bond and fifteen cents per one hundred words for recording said bond, which fees shall be paid by the person filing the same.

Section 5. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved August 4, 1931.

No. 702) (S. 389—Bartlett

AN ACT

Requiring the names as well as numbers of memorial highways to be given on maps and directional signs to perpetuate the purposes of such memorials.

Be it Enacted by the Legislature of Alabama:

Section 1. That all highways built or maintained by and through Federal or State aid shall be designated by numbers and by names, where such highways are known by names, on the directional signs erected along said highways and upon the maps authorized and published by the State; and in the case of memorial or other distinctive highways, built or maintained by Federal or State aid, such as the Bankhead Highway, Craft Highway, Bee Line Highway, Spanish Trail Highway, Brandon Highway, Jefferson Davis Highway, Dixie Highway, Jackson Highway, Lee Highway and such other memorial roads as may hereafter be designated, shall be designated on such markers, signs, and maps, by names, as well as by numbers.

Section 2. That the provisions of this act shall only apply to maps hereafter printed and to markers or signs hereafter erected as may be necessary in replacing old markers or signs on highways already marked or designated by number or as new roads or other roads are hereafter so named if and when so remarked.

Approved August 1, 1931.

No. 703) (S. 437—Jordan

AN ACT

To Prohibit the sale, offering for sale, transportation for sale, purchase, or the offering to purchase, of bottles, cans, crates, or other containers, in which milk or milk products are sold and delivered, which bear, in permanent form, the name or other designations denoting the ownership thereof: to create a rebuttable presumption as to the ownership of any such bottle, can, crate or other container, upon which or in which appear, in permanent form, the name, trade-name, or trade-mark, of the owner thereof; to provide a prima facie case of a violation of this Act by junk dealers, and to provide penalties for the violation of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any person, firm, or corporation, other than the owner thereof, to purchase, offer to

purchase, sell, offer to sell, or transport for sale, any bottle, can, crate, or other container upon which or in which appears, in permanent form, the name, trade-name, or trade-mark, of the owner thereof, in which milk or milk products are sold and delivered with the understanding at the time of such sale and delivery of the contents thereof, that such bottle, can, crate, or container is the property of the person, firm or corporation, whose name, trade-name, or trade mark is designated, in permanent form, thereon or therein; provided that this section shall not apply to the manufacturers of such bottles, cans, crates, or like containers, nor shall it apply to purchasers at execution sales or other judicial sales; also provided, that any person, firm or corporation, who may sell or otherwise dispose of his, their or its business in bulk may transfer his, their or its bottles, cans, crates or containers to his, their or its vendee, by bill of sale; nor shall the provisions of this Act apply to bottle exchanges which are operated by or patronized by the owners of such bottles, cans, crates or like containers.

Section 2. Whenever the name, trade-name, or trade-mark of any person, firm, or corporation appears, in permanent form, upon or in any milk bottle, can, crate or container of any kind, in which milk or milk products are sold and delivered, such fact shall create a rebuttable presumption that such person, firm, or corporation is the owner thereof.

Section 3. The use, possession or control, by any person, firm, or corporation, engaged in the business of buying, selling, renting, receiving, storing, transporting, or dealing in second-hand merchandise or junk, of any milk bottle, can, crate, carton, or container, which has thereon or therein, in permanent form, the name of any dairy, dairyman, milk producer, milk distributor, milk vendor, or milk dealer shall be prima facie evidence of the violation of this Act.

Section 4. Any person or corporation violating any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof; if a natural person, shall be punished by a fine of not more than one hundred dollars ($100.00) or by imprisonment for a term not to exceed six months, or by both such fine and imprisonment, in the discretion of the Court or jury trying the case, and if a corporation, shall be punished by a fine of not more than five hundred dollars ($500.00). Any officer or agent of a corporation or member or agent of a co-partnership or association, who shall personally participate in or be accessory to any violation of this Act by such co-partnership, association or corporation, shall be subject to the penalties herein prescribed for individuals or natural persons.

Section 5. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 6. If any section, clause, provision or portion of this Act is for any reason held to be invalid or unconstitutional by any

court of competent jurisdiction, such holding shall not affect any other Section, clause, provision, or portion of this Act, which is not of itself unconstitutional.

Section 7. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved July 30, 1931.

No. 704) (S. 471—Teasley

AN ACT

To amend Section 8209 of the Civil Code of Alabama, 1923, providing for notice of settlements of guardians.

Be it Enacted by the Legislature of Alabama:

That Section 8209 of the Civil Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: The Court must appoint a day for the settlement, of which ten days notice must be given to the succeeding guardian, if there be such guardian, or to the personal representative of the ward, if the ward be dead, or to the ward, if he be a resident of the State, and has arrived at full age, or has been relieved of the disability of non-age, or has been restored to sanity, and to all sureties on the bond of such guardian, by the service of citation; and notice must also be given, as the court may direct, either by advertisement for three successive weeks in some newspaper published in the county, or for the same length of time by posting notice at the Courthouse door, and three other public places in the County.

Approved July 31, 1931.

No. 705) (S. 473—Teasley

AN ACT

To amend Section 5904 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 5904 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 5904. (2671) (206) (2138) (2512) (2140) (1805) Day Appointed For Settlement; Notice—Upon the filing of such account, vouchers, evidence, and statement, the judge of probate must appoint a day for such settlement, and must give notice of the same, by publication in some newspaper published in the county, for three successive weeks; or, if none is published in the county, by posting such notice

at the courthouse and three other public places in such county, for the same length of time; but if the settlement be only an annual one, publication shall only be given by posting up notices as above provided. If the settlement be a final one, the probate judge must also give notice to every adult distributee resident in the state, and to all sureties on the bond of any such distributees, of the day set for making the settlement.

Approved July 31, 1931.

No. 708) (S. 511—Teasley

AN ACT

To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide for the supervision and regulation by said Commission in the public interest of the financing and securities of all telephone companies, other than as herein excepted, subject to regulation by said commission; to provide measures for the enforcement of the commission's orders, and penalties for failures to comply with the orders of the commission or with the provisions of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That in addition to any authority, powers and jurisdiction under the laws of this state now or heretofore conferred upon or exercised by the Alabama Public Service Commission, there is hereby conferred upon said Commission all the authority, powers and jurisdiction hereinafter particularly set forth.

Section 2. DEFINITIONS. Unless otherwise specified, the word "commission" when used in this act, shall mean the Alabama Public Service Commission. Unless otherwise specified, the word "Commissioner" when used in this act shall mean a member of the Commission.

Section 3. Unless otherwise specified, the term "person," when used in this act shall mean and include individuals, associations of individuals, firms, partnerships, companies, corporations, municipalities, governmental agencies, their lessees, trustees or receivers appointed by any court whatsoever, in the singular number as well as in the plural.

Section 4. Unless otherwise specified, the word "securities" when used in this act shall mean and include stock, whether of par value or not, stock certificates, bonds, notes, debentures, or other evidences of indebtedness, authorized, issued or executed by any person in the singular as well as in the plural.

Section 5. Unless otherwise specified, the term "telephone company" when used in this act, shall mean and include every person not engaged solely in interstate commerce or business that now or may hereafter own, operate, lease, manage, or control, as common carriers or for hire any telephone line.

Section 6. ISSUANCE OR GUARANTEE OF SECURITIES BY TELEPHONE COMPANY ON APPLICATION. No telephone company shall issue any securities, or assume any obligation or liability, as lessor, lessee, guarantor, indorser, surety, or otherwise, in respect to the securities of any other person unless and until, and then only to the extent that, upon application by the company, and after investigation by the commission of the purposes and uses of the proposed issue, and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities of any other person, the commission by order authorizes such issue or assumption. The Commission shall make such order only if it finds that such issue or assumption (a) is for some lawful object within the corporate purposes of the company, (b) is compatible with the public interest, (c) is necessary or appropriate for or consistent with the proper performance by the company of its service to the public as such telephone company, and will not impair its ability to perform that service, and (d) is reasonably necessary and appropriate for such purpose. Any such order of the commission shall specify the purposes for which any such securities or the proceeds thereof may be used by the company making such application.

Section 7. GRANTING OR DENYING APPLICATION. The commission, by its order, may grant or deny the application provided for in the preceding section as made, or may grant it in part or deny it in part, or may grant it with such modification and upon such terms and conditions as the commission may deem necessary or appropriate in the premises and may, from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate and may, by any such supplemental order, modify the provisions of any previous order as to the particular purposes, uses and extent to which or the conditions under which, any securities so theretofore authorized or the proceeds thereof may be applied; subject always to the requirements of the foregoing section.

Section 8. FORM OF AND OATH TO APPLICATION.—Every application for authority for such issue or assumption shall be made in such form and contain such matters as the commission may prescribe. Every such application and every certificate of notification hereinafter provided for, shall be made under oath, signed and filed on behalf of the company by its president, a vice-president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the company.

Section 9. APPLICATIONS FOR ISSUANCE OF SECURITIES DISPOSED OF PROMPTLY. All applications for the issuance of securities on assumption of liability or obligation shall be placed at the head of the commission's docket and disposed of

promptly, and all such applications shall be disposed of in sixty days after the same are filed with the commission, unless it is necessary for good cause to continue the same for a longer period for consideration. Whenever such application is continued beyond sixty days after the time it is filed, the order making such continuance must state fully the facts necessitating such continuance.

Section 10. SALE, PLEDGE, ETC., OF SUCH SECURITIES. Whenever any securities set forth and described in any such application for authority or certificate of notification as pledged or held unincumbered in the treasury of the company, shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of, by the company, such company shall within ten days after such sale, pledge, repledge, or other disposition, file with the commission a certificate of notification to that effect, setting forth therein all such facts as may be required by the commission.

Section 11. NO GUARANTEE OR OBLIGATION ASSUMED BY THE STATE OF ALABAMA. Nothing herein shall be construed to imply any guarantee or obligation as to such securities on the part of the State of Alabama.

Section 12. SECURITIES EXCEPTED.—The provisions of this Act shall not apply to notes issued by a telephone company for the proper purposes and not in violation of law, payable at a period of not more than two years from the date thereof, and aggregating (together with all other outstanding notes of a maturity of two years or less) not more than five (5) percent of the tangible fixed capital as defined by the accounting classification as prescribed by the Alabama Public Service Commission, and shall not apply to like notes issued by a telephone company, payable at a period of not more than two years from date thereof, to pay, retire, discharge, or refund in whole or in part any such note or notes and shall not apply to renewals thereof from time to time not exceeding in the aggregate six years from the date of the issue of the original note or notes so renewed or refunded. No such notes payable at a period of not more than two years from the date thereof, shall, however, in whole or in part, directly or indirectly, be paid, retired, discharged or refunded by any issue of securities of another kind of any term or character or from the proceeds thereof without the approval of the commission. Within ten days after the making of any such notes, so payable at periods of not more than two years from date thereof, the company issuing the same shall file with the commission a certificate of notification, in such form as may from time to time be determined and prescribed by the commission, setting forth as nearly as may be the same matters as those required in respect of application for authority to issue other securities.

Section 13. RECEIVER'S CERTIFICATE OR DEBENTURES.—Nothing contained in this Act shall limit the power of any court having jurisdiction to authorize or cause receiver's certificate or debentures to be issued according to the rules and practice obtaining in receivership proceedings in courts of equity.

Section 14. REPORTS BY COMPANY.—The commission shall require periodical or special reports from each telephone company hereafter issuing any security, including such notes payable at periods of not more than two years from the date thereof, which shall show, in such detail as the commission may require, the disposition made of such securities and the application of the proceeds thereof.

Section 15. SECURITIES ISSUED CONTRARY TO ACT; PENALTIES FOR. (a) Securities issued and obligations and liabilities assumed by a telephone company, for which under the provisions of this Act the authorization of the commission is required, shall not be invalidated because issued or assumed without such authorization therefor having first been obtained or because issued or assumed contrary to any term or condition of such order of authorization as modified by any order supplemental thereto entered prior to such issuance or assumption. (b) Securities issued or obligations or liabilities assumed in accordance with all the terms and conditions of the order of authorization therefor shall not be affected by a failure to comply with any provision of this Act or rule or regulation of the commission relating to procedure and other matters preceding the entry of such order or authorization or order suplemental thereto. (c) A copy of any order made and entered by the commission as in this Act provided (duly certified by the secretary of the commission) approving the issuance of any securities or the assumption of any obligation or liability by a telephone company shall, in and of itself, be sufficient evidence, for all purposes, of full and complete compliance by the applicant for such approval with all procedural and other matters required precedent to the entry of such order. (d) Telephone companies, and their officers thereunto authorized, who wilfully issue any such securities, or assume any such obligation or liability, or make any sale or other disposition of securities in violation of this Act, or apply any securities or the proceeds thereof to purposes other than the purposes specified in an order of the commission with respect thereto, contrary to the provisions of this Act, shall be liable to a penalty of not more than ten thousand dollars, but the company is only required to specify in general terms the purpose for which any securities are to be issued, or for which any obligation or liability is to be assumed and the order of the commission with respect thereto shall likewise be in general terms.

Section 16. ACT OF OFFICER, ACT OF COMPANY.—The wilful act of any officer, agent, or employee of a telephone

company, acting within the scope of his official duties of employment, shall for the purpose of this action, be deemed to be the wilfull act of the telephone company.

Section 17. ACTIONS TO RECOVER PENALTIES.—Actions to recover penalties under this Act shall be brought in the name of the State of Alabama in a court of competent jurisdiction in Montgomery County, Alabama. Whenever any telephone company is subject to a penalty under this Act, the commission shall certify the facts to the attorney general, who shall institute and prosecute an action for the recovery of such penalty, provided the commission may compromise such action and dismiss the same on such terms as the court will approve.

Section 18. PENALTIES PAID INTO STATE TREASURY.—All penalties recovered by the state in such action, shall be paid into the state treasury to the credit of the general fund.

Section 19. TELEPHONE COMPANIES EXCEPTED FROM PROVISIONS OF THIS ACT. Any telephone company required under the Acts of the Congress of the United States, now in effect or hereafter enacted, to obtain the approval of its security issues by any federal commission or other federal agency, and any telephone company whose stock or whose bonds are listed upon any organized stock exchange having an established meeting place in a city of over five hundred thousand population, according to the last preceding United States Census, and providing facilities for the use of its members in the purchase and sale of securities listed by such exchange, shall be exempt from the provisions of this Act.

Section 20. APPEALS. From any final action or order of the commission, in the exercise of the jurisdiction, powers and authority conferred by this Act, an appeal will lie to the circuit court of Montgomery County, Alabama, sitting in equity, and thence to the Supreme Court of Alabama. Such appeals and the supersedeas and stay of the action or order appealed from shall be governed by the provisions of law now in force or hereafter enacted respecting appeals in other cases from the orders and actions of the commission.

Section 21. EFFECTIVE DATE OF ACT. This Act shall be effective on and after the date of its approval by the Governor.

Approved July 30, 1931.

No. 709) (S. 601—Harlan

AN ACT

To amend Section 1187 of the Code of 1923 as amended by the Acts of 1927, page 604, section 1 and to amend section 1188 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 11. That Section 1187 of the Code of Alabama of 1923 as amended by the Acts of Legislature of 1927, page 604, Section 1, shall be amended as follows: Section 1187: Examination of Applicants Registration—That any person desiring to obtain a certificate of registration under this Article shall first make application in writing, paying to the secretary-treasurer a fee of ten dollars ($10.00) and shall later present himself, or herself, at the regular examination. Said Board shall determine that said applicant is of the age of twenty-one (21) years, of good moral character, has received an education through two years of high school, or its equivalent. On July 1, 1930, the requirement for preliminary education shall be completion of four years of high school or its equivalent. Said Board shall also determine that said applicant has graduated from a school of nursing connected with a general hospital or sanitarium, as defined in Section 1193 of this Code, where not less than three years of consecutive training, with a systematic course of instruction is given, or has graduated from a school of nursing in connection with a hospital in good standing, supplying a systematic training corresponding with the above standards, which training may be obtained in one or more affiliated hospitals. The Board of Nurses' Examiners shall have the power to grant advance credit on the course of study prescribed in the next preceding sentence but not in any case in excess of twelve months, in the discretion of the Board, for scholastic and laboratory work done in an accredited college or institution satisfactory to the Board. Said Board shall then proceed to examine said applicants in elementary anatomy and physiology, bacteriology, hygiene and dietetics, in surgical, medical obstetrical and practical nursing, and in the care and nursing of infants and children. Said board upon said applicant passing said examination to its satisfaction, shall cause the name of the applicant to be entered upon the register kept for the purpose, and shall cause to be issued to said applicant a certificate of registration authorizing him or her to practice the profession of nursing as a registered nurse.

Section 2. That Section 1188 of the Code of Alabama of 1923 be amended to read as follows: 1188. Nurses from other states registered—Registered nurses from other states may be accepted without examination, upon furnishing satisfactory evidence to the Board of Examiners, that they possess the qualifications embodied in this Article, or the equivalent thereof, and upon payment of a

registration fee of $15.00 to go into the general funds of the Board of Nurses' Examiners.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Approved July 30, 1931.

No. 710) (S. 602—Harlan

AN ACT

Providing for the renewal of the Registration Certificates of Registered Nurses and for the Reinstatement of Lapsed Certificates and for Recording the same.

Be it Enacted by the Legislature of Alabama:

Section 1. That on and after October 1st, 1931, the certificate of each nurse registered in Alabama shall be annually renewed, during the months of October, November and December upon payment to the Secretary of the Board of Nurses' Examiners for the State of Alabama of a fee of One Dollar ($1.00) to go into the general funds of said Board. The failure of any nurse after October 1, 1932 to thus register annually before each following January, shall automatically forfeit his or her right to practice nursing in the State of Alabama. Reinstatement may be obtained by showing cause satisfactory to the Board for failure to comply with the law, and the payment of a fee of Two Dollars ($2.00) for the current year, to go into the general funds of the Board. The form and method of recording these certificates shall be provided for by the Board in such manner as will enable the Board to carry into effect the purposes of this Act.

Approved July 30, 1931.

No. 714) (H. 1143—Kelly of Talladega

AN ACT

To appropriate money to pay the expenses of administering the provisions of House Bill 862 of the 1931 Session of the Legislature entitled, "An Act to create an Armory Commission for the State of Alabama and to specify its authority and duties; to authorize said Commission to construct and maintain Armories, drill and training areas for the National Guard and Naval Militia and their various units; to authorize municipalities, counties, and the State and others to cooperate in and about the construction of Armories and providing drill and training areas and to assist in paying therefor; and to authorize municipalities and counties to convey to the State of Alabama lands owned by them on which to construct such Armories, whether such lands are already being used for parks or other purposes."

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated annually out of money in the State Treasury not otherwise appropriated a sum

equal to One Cent (1c) for each person who was a resident of the State as shown by each last preceding Federal Census to be known as the Armory Fund, and to be expended by the Armory Commission mentioned in the title of this Act. Said Fund shall be a continuous Fund, and any unexpended balance at the end of any Fiscal Year shall remain in and to the credit of said Fund until expended. Provided, however, that no part or parts of said appropriations shall be paid out of the State Treasury until or unless such payments in whole or in part shall be approved by the Governor.

Approved July 31, 1931.

No. 716) (S. 73—Lapsley

"AN ACT

To amend Section 5826 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:

5826. Payment of debts not due.—Any debt not due, which has been presented, may be paid by an executor or administrator after six months from the grant of letters, and the provisions of the preceding section include such debts; but such payment must not be made, unless the creditor accept, in discharge of such debt, such an amount as, with interest from the day of payment to the day when such debt is due, would make the amount thereof. "This act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 717) (S. 74—Lapsley.

"AN ACT

To amend Section 5818 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama: That Section 5818 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows:—"5818. **(2593) (133) (2083) (2599) (2241) (1885)** Presentation of claims; how made, affidavit.—The presentation must be made by filing a verified claim or a verified statement thereof, in the office of the Judge of Probate in which letters are granted, and the same must be docketed with a note of the date of such presentation; and, if required, a statement must be given by such Judge, showing the date of presentation. And every such claim or statement thereof so presented must be verified by the oath of the claimant or some person having knowledge of the correctness thereof, and that the amount claimed is justly due, or to become due, after allowing all proper cred-

its. Any defect or insufficiency in the affidavit may be supplied by amendment at any time. And all claims not presented as herein provided within six months from the granting of letters testamentary or letters of administration shall be forever barred, and the payment or allowance thereof is prohibited. But this section shall not apply to claims of executors or administrators to compensation for their services as such, nor to sums properly disbursed by them in the course of administration." This Act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 718) (S. 75—Lapsley.

"AN ACT

To Amend Section 5900 Of The Code of Alabama, 1923.

"Be it Enacted by the Legislature of Alabama:

That Section 5900 of the Code of Alabama be amended to read as follows: "5900 (2667) (202) (2134) (2528) (2157) (1821). Final settlement; when may be made:—Final settlement may be made at any time after six months from the grant of letters, if the debts are all paid, and the condition of the estate in other respects, will admit of it." "This Act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 719) (S. 76—Lapsley.

"AN ACT

To Amend Section 5819 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama: That Section 5819 of the Code of Alabama, 1923, be amended so as to read as follows:— 5819. When revival of suit a presentation. The revival of any action pending against any person at the time of his death, which by law survives against his personal representative, by notice served on the executor or administrator, within six months after the grant of letters, shall be considered as a presentation of the claim on which the action is founded. This Act shall become effective from and after January 1, 1932.

Approved August 1, 1931.

No. 720) (S. 77—Lapsley.

"AN ACT

To amend Section 5825 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—5825. When representative protected in payment of debts.—The payment of any debt against the estate of the executor or administrator, after six months from the grant of letters, protects him to the extent of the payment from liability on any other debt against such estate which had not been presented at the time of such payment. This Act shall become effective from and after January 1, 1932.

Approved August 1, 1931.

No. 721) (S. 79—Lapsley.

AN ACT

To amend Section 6013 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—6013. When claims barred; affidavit to claims:—Every person, having any claim against the estate declared insolvent, must file the same in the office of the judge of probate, within six months after such declaration, or after the same accrues, verified by affidavit as required by Section 5818 (2593). Any defect or insufficiency in the affidavit may be supplied by amendment at any time. And when, prior to the declaration of insolvency, a claim has been filed in the office of the judge of probate, as required by said section, such claim shall be considered as duly filed under this section. This Act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 722) (S. 81—Lapsley.

"AN ACT

To Amend Section 5814 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—That Section 5814 of the Code of Alabama, 1923, be amended so as to read as follows:—"5814. Representatives having claim against estate must file same in Probate Court, verified by affidavit. All claims against the estate of a decedent, held by the personal representative of such decedent or by an assignee, or transferee of such representative, or in which he has an interest, whether due or to be come due, must be presented within six months after the grant of letters by filing the claims, or statement

thereof, verified by affidavit, in the office of the judge of probate, in all respects as provided by Section 5818 (2593) of this Code. All such claims not so presented and filed are forever barred, and the payment or allowance thereof is prohibited. But this section shall not apply to claims of executors or administrators to compensation for their services as such, nor to sums properly disbursed by them in the course of administration. This act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 723) (S. 82—Lapsley.

"AN ACT

To amend Section 5815 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—That Section 5815 of the Code of Alabama, 1923, be amended so as to read as follows:—5815. All other claims to be presented or they are barred. All claims against the estate of a decedent, other than the claims referred to in the preceding section, whether due or to become due, must be presented within six months after the grant of letters testamentary or of administration; and if not presented within that time, they are forever barred and the payment or allowance thereof is prohibited. And such presentation must be made by filing a verified claim or verified statement thereof in the office of the judge of probate of the county in which the letters are granted, within six months from the granting of such letters. "This Act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 724) (S. 177—Lapsley.

AN ACT

To Amend Section 10594 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama: That Section 10594 of the Code of Alabama of 1923 be amended so as to read as follows: "Section 10594. Dissent; when to be made.—Such dissent must be made in writing and deposited within six months from the probate of the will with the judge of probate of the county in which the will is probated, and an entry must be made of record specifying the day on which the dissent was made. Where the title of the widow to the property bequeathed under the will is involved in litigation which is pending so that she cannot properly elect as to whether her interests

require her to claim under or dissent from the will, she shall have fifteen months from the probate of the will within which to make her election." "This Act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 725) (S. 179—Lapsley.

"AN ACT

To Amend Section 6042 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—That Section 6042 of the Code of Alabama 1923 be amended so as to read as follows:—**6042.** Not to be sued for six months, etc.—No suit must be commenced against an executor or administrator, as such, until six months after the grant of letters testamentary or of administration. This Act shall become effective from and after January 1, 1932.

Approved August 1, 1931.

No. 726) (S. 180—Lapsley.

AN ACT

To amend Section 5975 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—That Section 5975 of the Code of Alabama 1923 be amended so as to read as follows:—5975. When payment of legacies may be compelled. After the expiration of six months from the grant of letters testamentary, or of administration, with the will annexed, if there are more than sufficient assets in the hands of such executor or administrator to pay the debts of the deceased any legatee may apply to the probate court of the county in which letters were granted to compel the payment of his legacy; and a widow who has dissented from her husband's will, or her personal representative, if she is dead, shall have like remedy to compel the payment of the distributive share to which she may be entitled. This Act shall become effective from and after January 1, 1932.

Approved August 1, 1931.

No. 727) (S. 181—Lapsley

AN ACT

To Amend Section 5974 of the Code of Alabama, 1923:—

Be it Enacted by the Legislature of Alabama:—That Section 5974 of the Code of Alabama 1923 be amended so as to read as follows:—"5974. Order made after six months protects representative. The

order of the Court, made after six months from the grant of letters, on the application of any legatee or person entitled to distribution, is a protection to the executor or administrator, to the extent of the amount or value of the legacy or share ordered to be paid or distributed." This Act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 728) (S. 182—Lapsley

"AN ACT

To Amend Section 5964 Of The Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—That Section 5964 of the Code of Alabama 1923 be amended so as to read as follows:— "5964. Distribution made on application after six months. The Court may also in case of intestacy, make an order of distribution out of the assets of the decedent, on the application of any person entitled to distribution, after six months from the grant of letters. This Act shall become effective from and after January 1, 1932.

Approved August 1, 1931.

No. 729) (S. 183—Lapsley

"AN ACT

To Amend Section 6027 of the Code Of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—That Section 6027 of the Code of Alabama 1923 be amended so as to read as follows:— "6027. When settlement to be made. Every executor or administrator of an insolvent estate must make a settlement of his accounts as such at such time as the court may appoint, not less than six months, nor more than twelve months from the time the estate is declared insolvent. "This Act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 730) (S. 184—Lapsley

AN ACT

To amend Section 6049 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—That Section 6049 of the Code of Alabama 1923 be amended so as to read as follows:— "6049. When legatee may sue at law for legacy. Any legatee, after six months from the grant of letters testamentary, or af admin-

istration, with the will annexed, may sue at law and recover his legacy, upon proof that the executor assented to the same. This Act shall become effective from and after January 1, 1932.

Approved August 1, 1931.

No. 731) (S. 185—Lapsley

AN ACT

To amend Section 10639 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama: That Section 10639 of the Code of Alabama, 1923 be amended so as to read as follows: 10639. Infants and lunatics allowed longer time to contest.—After the expiration of such six months, the validity of the will can only be contested by infants and persons of unsound mind who had no legal guardian at the time the will was admitted to probate, or who were not represented by a guardian ad litem, who are allowed twelve months after the appointment of a guardian, or, if none be appointed, twelve months from the termination of their respective disabilities in which to contest such will, but in no case to exceed twenty years from the time the will was admitted to probate; and also provided there has not been one contest instituted and prosecuted to final judgment or decree in the circuit court in equity as is provided for in the two preceding sections; in which case the final judgment or decree of the circuit or supreme court shall be final and conclusive against all parties. This Act shall become effective from and after January 1, 1932.

Approved August 1, 1931.

No. 732) (S. 186—Lapsley

AN ACT

To amend Section 6020 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama:—That Section 6020 of the Code of Alabama 1923 be amended so as to read as follows:—"**6020.** Objections to claims; issue, trial; costs. At any time within six months after the declaration of insolvency, the administrator, or any creditor, heir, legatee, devisee, or distributee, may object to the allowance of any claim filed against the estate by filing objections thereto in writing; and thereupon the court must cause an issue to be made up between the claimant and objector, in which issue the correctness of such claim must be tried as in action of law, if required; and if it is found for the claimant to the whole

amount thereof, the same must be allowed, and such claimant recover the costs of the trial of such issue; but if against the claimant, the claim must be rejected, and the party contesting recovers the cost of the trial of such issue. This Act shall become effective from and after January 1, 1932.

Approved August 1, 1931.

No. 733) (S. 187—Lapsley

"AN ACT

To amend Section 10637 of the Code of Alabama, 1923."

Be it Enacted by the Legislature of Alabama: That Section 10637 of the Code of Alabama 1923 be amended so as to read as follows:—**10637.** Contest in Circuit Court in equity within six months. Any person interested in any will, who has not contested the same under the provisions of this Article, may, at any time, within the six months after the admission of such will to probate in this State, contest the validity of the same by bill in equity in the Circuit Court in the County in which such will was probated, or in the County in which a material defendant resides. "This Act shall become effective from and after January 1, 1932."

Approved August 1, 1931.

No. 737) (S. 426—Faulk

AN ACT

To amend Section 393, Agricultural Code of Alabama, 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 393, Agricultural Code of Alabama, 1927 be and the same is hereby amended so as to read as follows: "393. Bond Required of Warehousemen:—In the event the Commissioner decides that such permit to operate a warehouse should be issued, he shall fix the amount of the bond which shall be furnished by said applicant and approved by the Commissioner prior to the issuance of said permit. Said bond shall be made with some surety company that has complied with the laws of the State of Alabama, and which has a reputation for promptly settling claims upon their merits, and shall be payable to the State of Alabama in such sum as the Commissioner may fix, but in no event to be less than one thousand ($1,000.00) Dollars, nor greater than Fifty Thousand ($50,000.) Dollars. Said bond shall be conditioned upon the faithful performance of his, or its, duties as a public Warehouse-

man for the period covered by said permit and for a faithful compliance with all laws, rules and regulations relating to the operation of a public warehouse."

Approved August 4, 1931.

No. 738) (S. 500—Scruggs

AN ACT

To provide that deputy solicitors in all counties where deputy solicitors are paid on a fee basis, may contract with counties or be employed by contract by counties, and to make such contracts lawful, to provide that deputy solicitors, when paid on a fee basis, may defend in criminal cases in Judicial Circuits other than where they serve as such, and to repeal all laws in conflict herewith.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties of the State of Alabama where the deputy solicitor is paid on a fee basis he may, and it is hereby made lawful for him to enter into contracts with counties, including the county of which he is deputy solicitor, for work or services, or he may be employed by contract by counties. That all laws or parts of laws in conflict herewith are hereby repealed so far as same is in conflict with the provisions of this act. If any Section, paragraph, or sentence of this act shall be held invalid, the same shall not affect any other portion, but shall apply only to the Section, paragraph, or sentence so held invalid.

Approved July 31, 1931.

No. 739) (H. 171—Barber.

AN ACT

To provide for the promotion, encouragement and regulation of air navigation, air navigation aids, airmen and aircraft; to provide for the survey, location and mapping of State Airways; to provide for the registration and issuance of permits to aircraft and airmen, suspension and revocation of such permits; to provide for the encouragement of the location in the State of Aeronautical industries; to create a Commission for the administration of this Act and for the enforcement of the laws of the State and of the rules and regulations established by said Commission; to define and prescribe the powers, duties, responsibilities and privileges of said Commission; and to make an appropriation for the purpose of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. DEFINITION OF TERMS: The following words and phrases, when used in this Act, shall have the meanings respectively ascribed to them by this section. (a) Aircraft. The

term "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. (b) Civil Aircraft. The term "civil aircraft" includes all aircraft other than governmentally owned aircraft. (c) Airman. The term "airman" means any individual (including the person in command and any pilot, mechanic or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of inspection, overhauling or repairing of aircraft. (d) Air Navigation Facility. The term "Air navigation facility" includes any airport, intermediate landing field, light or other signal structure, radio direction finding facility, radio or other electrical communication facility, and any other structure or facility used as an aid to air navigation. (e) Airport. The term "airport" means any locality either of water or land, which is adapted for the landing or taking off of aircraft, and which provides facilities for shelter, supply or care of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air. (f) Intermediate Landing Field. The term "intermediate landing field" means any locality, either of water or land, located along an airway, which is adapted for the landing or taking off of aircraft and is intermediate to airports connected by the airway, but which is not equipped with facilities for shelter supply or repair of aircraft, and is not used regularly for the receipt or discharge of passengers or cargo by air. (g) Airway. The term "airway" means a route in the navigable air space designated by the Secretary of Commerce of the United States or the State Aviation Commission, as a route suitable for interstate, intra-state or foreign air service.

Section 2. STATE AVIATION COMMISSION. There is hereby created a State Aviation Commission to be composed of one member, who shall be known as the State Aviation Commissioner, to be appointed by the Governor, for the term of four years unless sooner removed, and in the case of a vacancy in said office the Governor shall appoint a successor thereto for the remainder of the unexpired term, said member to serve without compensation. The commission shall have power to procure and use an official seal and to employ such personnel as may be necessary or convenient, provided that their compensation shall be paid by the commission from such revenues as are provided for in this Act. The Commission shall also have the power and authority to purchase, lease, hire, or otherwise obtain, and to maintain and operate such equipment, apparatus, materials and or supplies as may be deemed by the Commission necessary or convenient to the effectuation of the purposes of this Act. The said Commission shall report in writing to the Governor on or about December 1st each year and said report shall contain a summary of its proceedings during

the year, a detailed and itemized statement of all the revenues and expenditures made by or in the behalf of the Commission, and such other information as the Commission may deem necessary or useful and any additional information which may be requested by the Governor. The Commission shall administer the provisions of this Act, and for such purpose is expressly vested with the power and authority to make such rules and regulations as are necessary to execute the functions vested in it by this Act, including air traffic rules, rules as to the registration of, and issuance of permits to airmen and aircraft, and other rules, which regulations, to carry out the provisions and intent of this Act shall conform to and coincide with, so far as possible and advisable, the provisions of the Air Commerce Act of 1926, and amendments thereto, passed by the Congress of the United States and the Air Commerce Regulations and Air Traffic Rules issued from time to time pursuant thereto; all such rules and regulations shall be subject to the approval of the Governor. No air traffic or other rule or regulation promulgated by the Commission shall be operative to the extent that it is in conflict with any municipal airport rule or regulation, governing the landing taking of for maneuvers of aircraft upon, over or within 1000 ft. of such Municipal Airport.

Section 3. AIRCRAFTS REGISTRATION AND PERMIT. No civil aircraft shall be flown or operated in this State unless such aircraft has been registered by, and a permit obtained from the Commission. Every application for registration and permit shall be made by the owner of the aircraft upon a form provided by the Commission and shall contain such information with respect to such aircraft as may be required by such form. The Commission shall refuse to issue permit for the operation of any civil aircraft which is structurally or aerodynamically unsafe or unstable in or for flight, and shall suspend any permit issued for the operation of such aircraft for and during any period in which it is so unsafe or unstable. It shall be prima facie evidence that a civil aircraft is structurally and aerodynamically safe and stable in or for flight if it possess an effective license issued by the Department of Commerce of the United State, and it shall be prima facie evidence that such an aircraft is structurally or aerodynamically unsafe or unstable in or for flight if it does not possess such license. Every civil aircraft which is not based in this State and which enters this State from any other State shall be exempt from registration and permit for five days from the time of each entry into the state.

Section 4. AIRMAN REGISTRATION AND PERMIT. No person shall act as pilot of any civil aircraft when such aircraft is flown, navigated or operated in this State unless he shall have been registered by the Commission and been granted a Transport, Limited Commercial Private Flyers Industrial or Student Flyers Permit, and no person shall act as pilot in any form or class of aerial

navigation or operation unless he have a permit from the Commission authorizing him to engage in such form or class of navigation or operation. The Commission shall promulgate rules setting forth the requirements for permit for each form or class of navigation or operation and such rules shall conform to and coincide with, so far as possible and advisable, the provisions of the Federal Laws and rules relating to pilots' licenses. Every application for registration and/or permit shall be made upon a form provided by the Commission and shall contain such information as may be required by such form. The Commission shall issue to the applicant the class of permit for which he applies if he is qualified to hold such class of permit. It shall be prima facie evidence that he is so qualified if he holds a license of the same or like class issued by the Department of Commerce of the United States, and it shall be prima facie evidence that he is not so qualified if he does not hold such license. The Commission shall have powers to suspend any airman's permit for a period not exceeding thirty days for the infraction by such airman of any provision of the law of this State relating to airmen or aircraft or for infraction of any rule or regulation established by the Commission. Such permit shall not be suspended, however, until such airman has been given a reasonable opportunity to be heard.

Section 5. FEES AND PERMITS. Every permit issued by the Commission under this Act shall expire upon the 30th day of October succeeding its issuance. For each pilot's permit issued the Commission shall charge and collect a fee of $2.00, and for each aircraft permit issued the Commission shall charge and collect a fee of $3.00.

Section 6. INTERSTATE COMMERCE. This Act shall not apply to any aircraft or airman engaged entirely in interstate travel or commerce, nor shall it be construed in such a way as to constitute an interference with or burden upon interstate commerce.

Section 7. DUTIES OF COMMISSION. It shall be the duty of the Commission to foster and encourage aviation in the State; to encourage the establishment of aeronautical industries in the State; to survey, lay out and map State Airways; to encourage the establishment of air navigation facilities in the State; to consult with and advise municipalities and other political subdivisions of the State, and others, upon the location, establishment, construction, operation and management of airports, intermediate landing fields and other air navigation facilities; to enforce all rules and regulations established by the Commission under the authority of this Act, and all criminal laws of the State pertaining to aircraft and airman; and to investigate and ascertain the causes of all accidents in the State involving civil aircraft.

Section 8. PENALTIES FOR VIOLATION OF THIS ACT. Any person who acts as airman for any civil aircraft when flown or operated in this State, as provided for in this Act without holding, and having in his possession during such operation, an existing airman's permit in accordance with the provisions of this Act; or who flies or operates or causes to be flown in this State, as provided for in this Act any civil aircraft without an existing permit for such aircraft issued in accordance with the provisions of this Act, or who violates any provision of this Act, or any rule or regulation promulgated thereunder, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months or both. Every peace officer of the State shall be charged with the additional duty of the enforcement of this Act, and the Commissioner by the terms of this Act shall be commissioned by the Governor as "Special Aeronautical Officer" and it shall be his duty to enforce the provisions of this Act and to make arrests of persons violating this Act, and shall have the same powers with reference to the enforcement of this Act as any other peace officer of the State. The Commissioner shall appoint deputies, and may remove them at any time, to assist in the enforcement of this Act. Such deputies shall be known as "Deputy Special Aeronautical Officer," as provided that the number of deputies so appointed shall not exceed forty in number, and provided that neither the "Special Aeronautical Officer" nor his deputies shall be entitled to any compensation for said duties. Said Special Aeronautical Officer and his deputies shall, before entering into the duties of their respective offices, give bond with surety in the amount of one Thousand Dollars, to be approved by the Secretary of State, payable and conditioned as provided in Section 2595 of the Code of Alabama, 1923, and such bonds shall be recorded in the office of the Secretary of State, the premium on said bonds shall be paid by the Commission.

Section 9. FINES AND FEES. All monies collected for the issuance of permits to aircraft and airmen and all fines and penalties collected for the violation of any provisions of this Act shall be paid to the State Treasurer and shall be by him placed in the State Aeronautic Fund for use of the Commission and all such monies are hereby appropriated for the purpose of defraying the expenses of the administration and the enforcement of this Act.

Section 10. EMPLOYEES. The Commission shall employ, and at its pleasure discharge, such personnel as shall be deemed necessary to discharge the duties imposed by the provisions of this Act, and shall outline their duties, and fix their compensation subject to the general laws of the State. The Commission shall obtain such office space, furniture, stationery, fuel, lights and other conveniences as shall be reasonably necessary for carrying out the provisions of this Act. The office of the Commission shall be

located at such place as the Commission shall designate, subject to the approval of the Governor. Copies of all records and papers in the office of the Commissioner, duly certified and authenticated by the seal of the said Commission shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the Commission under the authority of this Act shall be open to public inspection under such rules and regulations as shall be prescribed by the Commission under the provisions of this Act.

Section 11. EXPENSES. The Commissioner, and all personnel by him employed shall receive his or their actual and necessary expenses incurred in the performance of duties pertaining to his office or their duties, and shall receive all expenses actual and necessary incurred by travel in performance of his or their duties in addition to his or their regular compensation.

Section 12. FORMS. All permits by the Commission shall be on forms prescribed by the Commission, which shall be furnished to the Commission on its order at the Expense of the State Aeronautical Fund. Every airman's permit shall be in the possession of the holder at all times while he is piloting aircraft in this State. All aircraft permits under the terms of this Act shall be displayed in or on such aircraft operating within this State. Duplicate airmen's permits may be issued upon affidavit of the Airman to whom same was issued that same has been lost or destroyed and upon the affidavit of the owner or lessee of aircraft, a duplicate aircraft permit may be issued to such owner or lessee, provided in either instance the Commission shall receive one dollar for the issuance of same.

Section 13. APPROPRIATION. There is hereby appropriated yearly, out of the State Treasury, to the State Aviation Commission the sum of $12,000.00 to be placed to the credit of the State Aeronautical Fund. Within the limits of said appropriation and all monies in the State Aeronautical Fund, the State Auditor shall draw his warrants upon the State Treasurer for payment out of said State Aeronautical Fund upon requisition of the State Aviation Commission.

Section 14. SEPARABILITY. If any section or a part of a section of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of any section or provision of this Act.

Section 15. TIME OF TAKING EFFECT. This Act shall take effect immediately upon its approval by the Governor.

Approved July 31, 1931.

No. 740) (H. 714—Manasco

AN ACT

To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the First Tuesday in May, 1932, next after the expiration of three months from the date of the final adjournment of the present session of the Legislature, an amendment to the Constitution of the State of Alabama, in substance, as follows: 'In addition to all other powers, the City of Jasper may issue bonds from time to time in the same manner as other like bonds to an aggregate amount not exceeding Seven Hundred Thousand Dollars for the purpose of purchasing, constructing, enlarging or improving water works, including pipe lines and pumping stations, within or without the City, which bonds shall not be included in the indebtedness subject to any debt limit.'

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the first Tuesday in May, 1932, next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows: 'In addition to all other powers, the City of Jasper may issue bonds from time to time in the same manner as other like bonds to an aggregate amount not exceeding Seven Hundred Thousand Dollars for the purpose of purchasing, constructing, enlarging or improving water works, including pipe lines and pumping stations, within or without the city, which bonds shall not be included in the indebtedness subject to any debt limit.'

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each County in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. That at said election on the amendment proposed by this Act to be submitted to the qualified electors of the state for their consideration, to be held as herein provided, the qualified voters shall vote upon said amendment, and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as an amendment to the Constitution of Alabama." 'In addition to all other powers, the City of Jasper may issue bonds from time to time in the same manner as other like bonds to an aggregate amount not exceeding Seven Hundred Thousand Dollars for the purpose of purchasing, constructing, enlarging or improving water works, including pipe lines and pumping stations, within or without the city, which bonds shall not be included in the indebtedness subject to any debt limit.' Fol-

lowing the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No" the choice of the electors shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire.

Section 4. The expenses of the election herein provided for and the costs of the publication of the notice shall be paid out of the Treasury of the State in the same manner as the expenses of other elections are paid.

Passed the Legislature of Alabama July 25, 1931.

No. 741) (H. 1126—Miller.

AN ACT

To make appropriations for the ordinary expenses of the executive and judicial departments of the State and for interest on the public debt.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the ordinary expenses of the executive and judicial departments of the State and for interest on the public debt for the fiscal years ending on the 30th day of September of 1932, 1933, 1934, and 1935, to be paid out of any moneys in the Treasury not otherwise appropriated, the several sums of money hereinafter specified, or so much thereof as may be necessary.

Section 2. EXECUTIVE OFFICE: (1) For the compensation of the Governor Seventy-five Hundred Dollars ($7,500.00) for every year. (2) For compensation of the Private Secretary to the Governor Thirty-six Hundred dollars ($3,600.00) for every year. (3) For compensation of the Recording Secretary Twenty-four Hundred Dollars ($2,400.00) for every year. (4) For compensation of a clerk Two Thousand Dollars ($2,000.00) for every year. (5) For compensation of a Stenographer Fifteen Hundred Dollars ($1,500.00) for every year. (6) For compensation of a Messenger Nine Hundred Dollars ($900.00) for every year.

Section 3. SECRETARY OF STATE: (1) For the compensation of Secretary of State Four Thousand Dollars ($4,000.00) for every year. (2) For compensation of the Chief Clerk Twenty-seven Hundred and Fifty Dollars ($2,750.00) for every year. (3) For compensation of a Stenographer Twelve Hundred Dollars ($1,200.00) for every year.

Section 4. STATE AUDITOR: (1) For compensation of the State Auditor Four Thousand Dollars ($4,000.00) for every year. (2) For compensation of Chief Clerk Twenty-seven Hundred and Fifty Dollars ($2,750.00) for every year. (3) For the compen-

sation of the Warrant Clerk Twenty-seven Hundred and Fifty Dollars ($2,750.00) for every year. (4) For the compensation of the General Bookkeeper Twenty-four Hundred Dollars ($2,400.00) for every year. (5) For the compensation of an Assistant Bookkeeper Twelve Hundred Dollars ($1200.00) for every year. (6) For the compensation of the Land Clerk Twenty-one Hundred Dollars ($2,100.00) for every year. (7) For the compensation of the Pension Clerk Eighteen Hundred Dollars ($1800.00) for every year. (8) For the compensation of the File Clerk Fifteen Hundred Dollars ($1500.00) for every year. (9) For the compensation of the Stenographer Twelve Hundred Dollars ($1200.00) for every year.

Section 5. STATE TREASURER: (1) For compensation of the Treasurer, Four Thousand Dollars ($4,000.00) for every year. (2) For compensation of the Chief Clerk Twenty-seven Hundred and Fifty Dollars ($2750.00) for every year. (3) For compensation of two Assistant Clerks Two Thousand Dollars ($2,000.00) each for every year. (4) For compensation of the Pension Clerk Twelve Hundred Dollars ($1200.00) for every year. (5) For compensation of one Bond Clerk Two Thousand Dollars ($2,000.00) for every year. (6) For compensation of Stenographer Twelve Hundred Dollars ($1,200.00) for every year.

Section 6. ATTORNEY GENERAL: (1) For compensation of the Attorney General Six Thousand Dollars ($6,000.00) for every year. (2) For compensation of the First Assistant Attorney General Five Thousand Dollars ($5,000.00) for every year. (3) For compensation of the Second Assistant Attorney General Four Thousand Dollars ($4,000.00) for every year. (4) For compensation of the Third Assistant Attorney General Thirty-six Hundred Dollars ($3,600.00) for every year. (5) For compensation of the Fourth Assistant Attorney General Thirty-six Hundred Dollars ($3,600.00) for every year. (6) For compensation of the Fifth Assistant Attorney General Three Thousand Dollars ($3,000.00) for every year. (7) For compensation of two Stenographers Fifteen Hundred Dollars each ($1500.00) for every year. (8) For compensation of a Stenographer Thirteen Hundred and Twenty Dollars ($1320.00) for every year.

Section 7. ARCHIVES & HISTORY: (1) For compensation of the Director of the Department of Archives and History, Four Thousand Dollars ($4,000.00) for every year. (2) Compensation of the Chief Clerk Twenty-four Hundred Dollars ($2,400.00) for every year. (3) For the compensation of Curator, Three Thousand Dollars ($3,000.00) for every year. (4) For compensation of the Librarian Two Thousand Dollars ($2,000.00) for every year. (5) For compensation of the Stenographer and Statistician Fifteen Hundred Dollars ($1,500.00) for every year. (6) For compensation of the book-keeper and Stenographer, Twelve Hundred Dollars ($1200.00) for every year. (7) For compensation of the File Clerk

Twelve Hundred Dollars ($1,200.00) for every year; provided, however, that none of the appropriations mentioned in this section above shall be available to pay any assistant except when such assistant's employment be with the consent and approval of the Governor, and that none of this appropriation shall be available until the Governor has approved the appointment of the person to fill the position hereinabove provided for. (8) For filing equipment, Eighteen Hundred and Fifty Dollars ($1,850.00) for every year. (9) For traveling expenses Seven Hundred and Fifty Dollars ($750.00) for every year. (10) For stationery and office supplies Fifteen Hundred Dollars ($1500.00) for every year. (11) For books and periodicals, Twelve Hundred Dollars ($1,200.00) for every year. (12) For postage Six Hundred Dollars ($600.00) for every year. (13) For binding books and papers Two Thousand Dollars ($2,000.00) for every year. (14) For printing blanks, bulletins, etc. Two Hundred and Fifty Dollars ($250.00) for every year. (15) For manual labor Twelve Hundred Dollars ($1200.00) for every year. (16) For miscellaneous requirements of the Department Two Hundred and Fifty Dollars ($250.00) for every year.

Section 8. STATE TAX COMMISSION: (1) For compensation of the State Tax Commissioner Seven Thousand Five Hundred Dollars ($7,500.00) per annum for the first year and Six Thousand Dollars ($6,000.00) per annum for each and every year thereafter until September 30, 1935. (2) For compensation of the Secretary Twenty-four Hundred Dollars ($2,400.00) for every year. (3) For the compensation of the necessary clerks and assistants, for traveling expenses, and all other necessary expenses of the Department One Hundred and Fifty Thousand Dollars ($150,000.00) for every year.

Section 9. BANKING DEPARTMENT: (1) For the compensation of the Superintendent of Banks Six Thousand Dollars ($6,000.00) for every year. (2) For the compensation of Deputy Superintendent of Banks Forty-two Hundred Dollars ($4,200.00) for every year. (3) For the compensation of Office Assistant Three Thousand Dollars ($3,000.00) for every year. (4) For the compensation of Six Bank Examiners Three Thousand Dollars ($3,000.00) each for every year. (5) For the compensation of Two Stenographers Eighteen Hundred Dollars ($1,800.00) each for every year. (6) For the payment of the traveling expenses of the members of the Department Twelve Thousand Eight Hundred Dollars ($12,800.00) for every year.

Section 10. MILITARY DEPARTMENT: SALARIES, ORGANIZATION ALLOWANCES AND OTHER DEPARTMENTAL EXPENSES. (1) For the compensation of the Adjutant General four thousand dollars ($4,000.00) for every year. (2) For the compensation of the United States Property and Disbursing Officer thirty-five hundred dollars ($3,500.00) for every

year; provided that the annual or monthly salary paid the United States Property and disbursing Officer by the United States Government shall be deducted from this thirty-five hundred dollars ($3,500.00) in fixing the annual and monthly State pay of this employee. (3) For the compensation of the State Property and Disbursing Officer twenty-four hundred dollars ($2,400.00) for every year. (4) For the compensation of a Disbursing Officer, assistant to the United States Property and Disbursing Officer, twenty-four hundred dollars ($2,400.00) for every year. (5) For the compensation of a Property Officer, assistant to the United States Property and Disbursing Officer twenty-four hundred dollars ($2,400.00) for every year. (6) For the compensation of one employee performing the duties of Finance and Property Clerk fifteen hundred dollars ($1,500.00) for every year. (7) For the compensation of one employee performing the duties of a Personnel Clerk fifteen hundred dollars ($1,500.00) for every year. (8) For the compensation of three Clerks and Stenographers, for duty in the Military Department of the State, twelve hundred dollars ($1,200.00), each, for every year. (9) For the organization allowances and other Departmental expenses seventy-three thousand eight hundred dollars ($73,800.00) for every year. SPECIAL MILITARY APPROPRIATION FOR THE MILITIA IN THE ACTIVE EMERGENCY MILITARY SERVICE OF THE STATE: In addition to the monies appropriated for the organization allowances and other Departmental expenses provided for in the preceding paragraph, there is appropriated, out of the monies not otherwise appropriated, such sum as may be necessary for pay, subsistence and travel of the Military and Naval Forces of the State when called into the active service of the State for the purpose of enforcing the laws, preservation of the peace, for the security of the lives of citizens, for relief and aid in case of disaster and for the protection of property. The disbursement of all funds appropriated by this Section shall be with the approval of the Governor, and under such rules and regulations as he may prescribe.

Section 11. MINE INSPECTORS: (1) For the compensation of the Chief Inspector of Mines Four Thousand Dollars ($4,000.00) for every year. (2) For the compensation of nine District Mine Inspectors Three Thousand Dollars ($3,000.00) each for every year. (3) For the compensation of the Chief Clerk Twenty-four Hundred dollars ($2,400.00) for every year. (4) For the compensation of the Stenographer One Thousand and Twenty Dollars ($1,020.00) for every year. (5) For the payment of the traveling and other expenses of the Department such sum as may be necessary.

Section 12. PRISON INSPECTOR: (1) For the compensation of the State Prison Inspector Four Thousand Dollars ($4,000.00) for every year. (2) For the compensation of the Chief

Clerk Two Thousand Dollars ($2,000.00) for every year. (3) For the compensation of the Deputy Inspector Eighteen Hundred Dollars ($1,800.00) for every year. (4) For the compensation of a Stenographer Twelve Hundred Dollars ($1200.00) for every year. (5) For the payment of traveling expenses and other expenses of the Department Four Thousand Dollars ($4,000.00) for every year.

Section 13. DEPARTMENT OF EXAMINERS OF ACCOUNTS: For the salaries and traveling expenses of the Chief Examiner of Accounts, the Assistant Examiners of Accounts and Clerical Assistance, Ninety Thousand Dollars ($90,000.00) for every year.

Section 14. CONVICT DEPARTMENT: (1) For the compensation of the director of the State Board of Administration Seven Thousand Five Hundred Dollars ($7,500.00) per annum for the first year and Six Thousand Dollars ($6,000.00) every year thereafter until September 30, 1935. (2) For the maintenance of the Convict Department such sum as may be necessary to meet the expenses of such department in the event the receipts arising from the operation of the Department should at any time prove insufficient therefor.

Section 15. SPECIAL APPROPRIATIONS: (1) For the Governor's Contingent Fund Twenty-five Thousand Dollars ($25,000.00) for every year. (2) For Governor's Mansion Repair Fund One Thousand Dollars ($1,000.00) for every year, and for light, heat, service and other expenses incident thereto the sum of Two Hundred Dollars ($200.00) for each and every month payable on requisition of the Governor. (3) For fuel, lights and water Twenty Thousand Dollars ($20,000.00) for every year. (4) Postage and post-office box rent Ten Thousand Dollars ($10,000.00) for every year. (5) For stationery and office supplies Twenty Thousand Dollars ($20,000.00) for every year. (6) For repairing and refurnishing the Capitol Twenty Thousand Dollars ($20,000.00) for every year. (8) For public printing Fifty Thousand Dollars ($50,000.00) for every year. (9) For telephone and telegraph Five Thousand Dollars ($5,000.00) for every year. (10) For publishing Governor's proclamation a lump sum of Forty Thousand Dollars ($40,000.00) for the quadrennium, to be available when needed. (11) For insurance on the Capitol and Capitol buildings Twelve Thousand Five Hundred Dollars ($12,500.00) for every year. (12) For premiums on official bonds Five Thousand Dollars ($5,000.00) for every year. (13) For interest on constitutional loans Fifteen Thousand Dollars ($15,000.00) for every year. (14) For the Governor's interest contingent fund Seven Hundred Fifty Thousand ($750,000.00) Dollars for every year. Said appropriation to be used only for the purpose of paying interest. (15) For distributing public documents Eighteen Hundred Dollars ($1,800.00) for every year. (16) For repairs and improvements to residence property

owned and rented by the State Three Thousand Dollars ($3,000.00) for every year. (17) For feeding prisoners One Hundred and Eighty-five Thousand Dollars ($185,000.00) for every year. For feeding prisoners for the year ending September 30, 1931, the additional sum of ($20,000.00) Twenty Thousand Dollars. (18) For the arrest of absconding felons Three Thousand Dollars ($3,000.00) for every year. (19) For the removal of prisoners Seven Thousand Five Hundred Dollars ($7,500.00) for every year. (20) For the per diem mileage of the Presidential Electors Eight Hundred Dollars for the Quadrennium, to be available when needed. (21) For interest on bonded debt of the State Three Hundred and Thirty-nine Thousand Seven Hundred and Twenty Dollars ($339,720.00) for every year. (22) For the re-union of Confederate Veterans One Thousand Dollars for every year. (23) For the White House of the Confederacy Twenty-five Hundred Dollars ($2,500.00) for every year. (24) For the Confederate Museum at Richmond, Virginia, Two Hundred and Fifty Dollars ($250.00) for every year.

Section 16. MISCELLANEOUS. (1) For the compensation of the Capitol Watchmen Six Thousand Three Hundred Dollars ($6,300.00) for every year. (3) For the compensation of the Capitol Electrician Eighteen Hundred Dollars ($1,800.00) for every year.

Section 17. SUPREME COURT: (1) For the compensation of the Chief Justice of the Supreme Court Seventy-five Hundred Dollars ($7500.00) for every year. (2) For the compensation of the Six Justices of the Supreme Court Seventy-five Hundred Dollars ($7,500.00) each for every year. (3) For the compensation of the Clerk of the Supreme Court Four Thousand Dollars ($4,000.00) for every year. (4) For the compensation of the Assistant Clerk of the Supreme Court Two Thousand Four Hundred Dollars ($2,400.00) for every year. (5) For the compensation of the Stenographer and File Clerk Fifteen Hundred Dollars ($1,500.00) for every year. (6) For the compensation of the Reporter Thirty-Six Hundred Dollars ($3600.00) for every year. (7) For the compensation of a Stenographer Ten Hundred and Twenty Dollars ($1,020.00) for every year. (8) For the compensation of the Secretary to the Chief Justice Fifteen Hundred Dollars ($1,500.00) for every year. (9) For the compensation of two Secretaries to the Court Twenty-four Hundred Dollars ($2,400.00) each for every year. (10) For the compensation of the Librarian Three Thousand Dollars ($3,000.00) for every year. (11) For the compensation of Assistant Librarian Fifteen Hundred Dollars ($1,500.00) for every year. (12) For the compensation of a servant Six Hundred Dollars ($600.00) for every year.

Section 18. COURT OF APPEALS: (1) For the compensation of the Presiding Judge of the Court of Appeals Sixty-Six Hundred Dollars ($6,600.00) for every year. (2) For the compensation

of the two associate Judges of the Court of Appeals Sixty-six Hundred Dollars ($6,600.00) each for every year. (3) For the compensation of the Clerk of the Court of Appeals Three Thousand Dollars ($3,000.00) for every year. (4) For the compensation of the Assistant Clerk Seventeen Hundred and Fifty Dollars ($1,750.00) for every year. (5) For the compensation of the Secretary Two Thousand Dollars ($2,000.00) for every year. (6) For the compensation of Assistant Secretary Fifteen Hundred Dollars ($1,500.00) for every year.

Section 19. JUDICIAL CIRCUITS. (1) For the compensation of Forty-one Judges of the Circuit Court Five Thousand Dollars ($5,000.00) each for every year and not more than Five Hundred Dollars ($500.00) per year for expenses, as provided by law. (2) For the compensation of the Twenty-three Circuit Solicitors and their assistants Ninety One Thousand Two Hundred Dollars ($91,200.00) for every year. (3) For the traveling expenses of the Judges of the Circuit Courts and the Circuit Solicitors Four Thousand Dollars ($4,000.00) for every year.

Section 20. That for the payment of all obligations of the State not herein specifically enumerated, such annual sum as may be necessary is hereby appropriated.

Section 21. That the appropriation herein made for any department, office or activity of the State, shall be in lieu of any and all existing specific appropriations to such department, office or activity.

Section 21½. That in the event any section, clause or provision of this Act shall be held to be unconstitutional and void, such holding shall not affect the validity of any other section, clause or provision of this Act.

Section 22. When the salary or compensation of any officer or employee, as fixed in this Act, has heretofore been paid out of the appropriation made to such particular department for its maintenance or expenses, the salaries or compensations so fixed by this Act shall continue to be paid out of such appropriation for such particular department and the fixing of such salaries or compensations specified in this Act shall not be construed as an additional appropriation in such instances to the appropriation for the maintenance or expenses of the Department.

Section 23. This Act shall become operative October 1, 1931.

Approved July 28, 1931.

No. 742) (H. 411—Culver

AN ACT

To Provide for the Recordation or Registration of Honorable Discharges from The United States Army, Navy or Marine Corps and to Declare such Records and Certified Copies of Discharges Recorded therein admissible as Evidence.

Be it Enacted by the Legislature of Alabama:

1. The Court of County Commissioners or Board of Revenue of each county in the State of Alabama shall cause to be prepared and furnished to each probate judge within the State of Alabama a well bound book of record, the back or side of which shall bear the following words, "Record of Honorable Discharges from the United States Army, Navy or Marine Corps," and the pages of which shall correspond with the printed matter appearing on an honorable discharge from the military service of the United States of America, with sufficient blank spaces reserved thereon for the copying therein of the data and information appearing on such an honorable discharge which may be presented to the probate judge for record, as hereinafter provided.

2. Any person who holds an honorable discharge from the United States Army, Navy or Marine Corps may present the same to the probate judge of the county wherein he or she may reside, and the probate judge shall cause the same to be recorded in the book described in Section one (1) of this Act, and there shall be no fee charged for this service.

3. When an honorable discharge is recorded as herein provided, such record or certified copies of discharges appearing therein shall have the same standing and be governed by the same laws of the State of Alabama as now pertain to the admissibility in evidence in courts of this state of recorded deeds and mortgages and other recorded instruments. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved July 31, 1931.

No. 743) (H. 1204—Tunstall.

AN ACT

To Impose, For The Use And Purpose Of Supervising, Preserving, Maintaining, Constructing And Regulating The Use Of Public Roads And Bridges In The State Of Alabama, And To Maintain And Supervise State Convicts While Working Upon Such Roads And Bridges, An Excise Tax On All Persons, Companies, Agencies, Corporations And Associations Who Sell, Distribute, Store Or Draw From Storage For Any Purpose Whatsoever, Gasoline Or Any Other Liquid Motor Fuels Or Devices Or Any Substitutes Therefor Within The State Of Alabama;

Providing For The Collection Of Such Excise Tax And The Payment Of Same Into The State Treasury To The Credit Of The State Highway Department For The Public Road And Bridge Fund; Providing For The Enforcement Of This Act And Fixing A Penalty For The Violation Of The Provisions Hereof; Providing That The Said Excise Tax So Imposed Shall Be In Addition To All Other Excise Tax Now Imposed By Law: And Providing That Freight Agents Of Railroads And All Agents Of All Transportation Companies Operating Within The State Of Alabama And Who Transport Motor Fuels, Shall Report To The State Tax Commission All Shipments Of Gasoline Or Any Substitutes Therefor, Receive At Any Of Their Stations Within The State.

Be it Enacted by the Legislature of Alabama:

Section 1. That as used in this act, the term "Gasoline" shall include gasoline, naptha and other liquir motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this act shall apply to those products commercially known as "Kerosene Oil", "Fuel Oil", "Crude Oil" used for lighting or heating purposes. The word "persons" means and includes every person, corporation, co-partnership, company, agency or association, singular or plural. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in this State by wholesale in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as "distributor" who is also engaged in the sale of gasoline as herein defined, at any place in this State in broken quantities. The term "storer" as herein used shall incude any person who ships gasoline into this State, in tank quantities and stores the same and withdraws or uses the same for any purpose.

Section 2-A. Every distributor, retail dealer or storer of gasoline as herein defined shall pay an excise tax of one cent per gallon in addition to all other excise tax now imposed by law upon the selling, distributing or withdrawing from storage for any use, gasoline as herein defined in this State; said one cent excise tax shall be collected as now provided by law for the collection of gasoline excise tax and when collected, less the expense of collecting, shall be paid into the State Treasury to the credit of the State Highway Department for the purposes set forth in this Act until October 1, 1932, after which time the same when collected shall be paid to the County Treasurer or the depository of the several counties in equal shares for a period of three years, to be used exclusively by said counties in constructing and maintenance of public roads and bridges within the several counties. Where the excise tax herein provided shall have been paid by a distributor or retail dealer or storer, such payment shall be sufficient, the intention being that the tax levied by this Act shall not be paid but once. Provided, however, that at the end of three years period provided for herein

for said excise tax to be paid to the counties said excise tax shall thereafter be no longer collected. (b) The tax imposed by subdivision (a) of this section shall apply to persons, firms, corporations, dealers or distributors, storing gasoline and distributing same or allowing the same to be withdrawn from storage, whether such withdrawals be for sales or other use—provided that "sellers" of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required and storers and distributors shall compute and pay this tax on the basis of their withdrawals or distribution. (c) The excise tax herein levied is levied by the State under its police power and as an aid to policing, supervising, preserving, maintaining, constructing and regulating the use of public roads and bridges in the State of Alabama and maintaining, guarding and supervising state convicts while working upon such roads and bridges and is not a Revenue measure.

Section 3. On or before the twentieth day of each month after this Act shall have taken effect, every person upon whom this excise tax is levied shall render to the State Tax Commission on forms prescribed by such Commission, a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for the payment of the excise tax herein described, and shall furnish to said Commission such additional information as such Commission may require upon blanks to be formulated and furnished by said Commission and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid. The statement herein required to be made by this distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths and any false or fraudulent statement sworn to shall constitute perjury and upon conviction thereof the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers, or retail dealers shall keep, for not less than two years, within the State of Alabama, at some certain place or office such books, documents or papers as will clearly show the amount of sales or withdrawals of gasoline made in this State covered by this Act.

Section 5. Within thirty days after the effective date of this Act, every distributor, storer or retail dealer engaged in the withdrawal of gasoline who has not theretofore made such report, shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline, which information shall be entered by the State Tax Commission on a book kept for that purpose, and should such distributor, storer, or retail dealer move his place of

business from one post office address to another, such distributor, storer or retail dealer shall within thirty days thereafter notify the State Tax Commission of such removal, giving the former place and post office address and also the place and post office address to which the business has been removed. After this Act becomes effective no person shall become a distributor, storer or seller of gasoline in this State until he shall have made such reports to the State Tax Commission.

Section 6. If any distributor, storer or retail dealer in gasoline in this State covered by the provisions of this Act shall fail to make the reports or any of them, to the State Tax Commission as herein required or shall fail to keep the records required by Section 4 hereof, such distributor, storer or retail dealer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars nor more than Three Hundred Dollars for each of such offenses.

Section 7. It shall be the duty of the State Tax Commission to enforce the provisions of this Act and the State Tax Commission shall have the right itself or by any of its agents to examine the books, reports and accounts of every such distributor, storer, or retail dealer of gasoline covered in this Act.

Section 8. The proceeds of the excise tax herein imposed by this Act, less the actual cost of the collection of the same, shall, when collected, be paid into the State Treasury to the credit of the Public Road and Bridge Fund to be used by the State Highway Commission, with the approval of the Governor, for the purpose of supervising and maintaining such public roads and bridges as may now be constructed in the State and to hereafter construct, supervise and maintain public roads and bridges under authority and supervision of the State Highway Commission as provided by law; and for the purpose of maintaining and supervising State convicts while working upon such roads and bridges until October 1, 1932, and from thereafter divided equally among the sixty-seven counties of the State; payment to be made to the County Treasurer or depository of said Counties on the tenth day of each month of the year, and said funds shall be used by the several counties of the State exclusively for the construction and maintenance and policing of the public roads in the respective counties. The tax herein imposed shall cease and become inoperative on the first day of October, 1935.

Section 9. The acceptance of any money paid for the excise tax provided for in this Act shall in no way preclude the collection of the money actually due, provided, however, that the money actually paid shall constitute a credit against the money actually due.

Section 10. The forms for all statements and reports required in the provisions of this Act shall be prescribed and furnished by

the State Tax Commission and the cost of the enforcement of this Act shall be paid out of the funds derived from the excise tax herein prescribed upon a warrant of the State Auditor upon a voucher of the Chairman of the State Tax Commission and approved by the Governor.

Section 11. If any distributor, storer or retail dealer, in gasoline covered by this Act shall fail to make the monthly returns prescribed herein, the State Tax Commission shall make a return for such delinquent upon such information as it may reasonably obtain, assess the excise tax thereon, and add a penalty for failure to make such return of twenty-five per cent of the tax due to the amount as assessed by the Commission. If in the opinion of the State Tax Commission a good and sufficient cause and reason is shown for such delinquency, the State Tax Commission may remit the penalty, otherwse the penalty shall be paid. The State Tax Commission shall be authorized and empowered to make return for the delinquent taxpayer upon such information as it may reasonably obtain and add thereto the penalty as provided in this section of this Act. The State Tax Commission shall as soon as practicable, and before the thirtieth day of the month, certify to the State Auditor and the State Treasurer names of all persons liable to pay the tax herein provided, together with the post office address and the amount of the tax and if any such tax and penalties shall not have been paid, the State Tax Commission shall issue executions for the collection of such tax directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent tax by the county tax collector and make returns of such executions to the State Tax Commission. The tax and all penalties herein provided for shall be held as a debt payable to the State of Alabama by the person against whom the same shall be charged and all such penalties and assessment shall be a lien upon the property in this State of the party charged therewith.

Section 12. Any distributor, storer, or retail dealer, who shall violate any of the provisions of this Act may be restrained and the proper prosecutions instituted in the name of the State of Alabama by its Attorney General or under his direction, by any circuit solicitor of the State, from distributing, selling or withdrawing from storage any gasoline, the sale of the withdrawal of which is taxable under this Act, until such person shall have complied with the provisions of this Act.

Section 13. Each freight agent of the Railroad or other transportation companies operating in the State of Alabama shall report to the State Tax Commission on the first day of October, January, April and July of each year, all shipments of gasoline or substitutes therefor received at such station on such railroads, or through any other transportation companies, during the preceding three months,

giving the name and address of the consignor and consignee shipping and receiving such gasoline or substitutes therefor and the number of gallons or pounds contained in each and every shipment.

Section 14. Nothing in this act shall be held or construed to in any way repeal or change the excise tax now levied and collected on gasoline under any general or local law heretofore adopted.

Section 14-A. That in the event an amendment to the Constitution authorizing the issue of new or additional bonds for the construction of public roads and highways be ratified, then, in that event a sufficient amount of the tax herein levied and collected shall be applied to the payment of interest on said bonds and to create and provide a sinking fund to pay said bonds.

Section 15. This act with all its provisions shall go into effect immediately upon its passage and approval by the Governor and should any section of this Act, or any provision hereof be declared unconstitutional, it shall not invalidate the remaining sections or parts thereof.

Approved July 27, 1931.

No. 744) (S. 520—Lapsley.

AN ACT

To propose an amendment to the Constitution of Alabama to be known as Article XXI, authorizing the State to issue and sell negotiable interest-bearing warrants in an amount not to exceed Fifteen Million Dollars ($15,000,000.00) for the purpose of paying the past due indebtedness of the State outstanding on September 30, 1931, other than any amount due to any Department or trust fund of the State; to provide for the interest on said warrants and for their sale; to provide that said warrants shall be a direct obligation of the State and shall be free from the payment of taxes; to authorize the Governor to make temporary loans, never to exceed Three Million Dollars ($3,000,000.00) to meet the deficiencies in the treasury, and to provide revenue and funds for the prompt and faithful payment of the principal and interest on these warrants and loans and for the retirement of the said warrants; to amend Section 214 of Article II of the Constitution; to authorize an income tax; and to order an election for the qualified electors of the State of Alabama upon such proposed Article XXI to be held on the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such elec-

tion is the second Tuesday after the expiration of three months from and after the final adjournment of the present session of the Legislature. The proposed amendment is as follows: Article XXI. The State is authorized to sell negotiable interest-bearing warrants in an amount not to exceed Fifteen Million Dollars ($15,000,000.00) for the purpose of paying the past due indebtedness of the State outstanding on September 30, 1931, other than any amount due to any Department or trust fund of the State, said warrants shall be issued under denominations, numbers and series as may be designated or determined by the Governor, and shall mature not later than January 1, 1945, shall bear interest at not more than four and one-half (4½) per cent per annum, payable semi-annually, and shall be issued and sold at not less than the par value thereof. The Governor of the State of Alabama is further authorized from time to time to negotiate temporary loans never to exceed Three Million Dollars ($3,000,000.00) to meet any deficiencies in the treasury and until the same is paid no new loan shall be negotiated. For the payment of such loans and interest, the State is authorized to appropriate funds. Such warrants and loans shall be a direct obligation of the State and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged and such warrants and evidences of the loan shall be forever exempt from taxes of every kind. The warrants herein provided for or the proceeds from the sale thereof shall be used only for the purpose of paying claims, accounts, warrants or indebtedness due by or outstanding against the State on September 30, 1931, and which have been approved by the Governor, Attorney General and State Auditor, excluding, however, any amount due to any Department or Trust Fund of the State. Said warrants shall be drawn by the State Auditor upon the State Treasurer, and the semi-annual interest thereon, as it becomes due, and the principal, at maturity, shall be payable out of the sinking fund herein provided for. To provide for the prompt payment of the warrants herein authorized together with interest thereon, and to further provide for the support and maintenance of the public schools of the State and the general expenses of the State Government, Section 214 of Article II of the Constitution is hereby amended to read as follows: Section 214 of Article II—After the year ending September 30, 1931, the Legislature shall not have the power to levy in any one year a greater rate of tax than sixty one-hundredths of one per centum on 60% of the fair and reasonable cash value of the taxable property within this State. "After the year ending September 30, 1932, there shall be no assessment of an ad valorem tax on real estate or tangible personal property for State purposes, and no assessments made on real and personal property for county and municipal taxation purposes shall exceed 60% of its fair market value. The

Legislature shall have the power to levy and collect taxes, for State purposes, on net incomes from whatever source derived within this State, and to designate and to define the incomes to be taxed and to fix the rates within the limitations prescribed herein on a graduated basis or not. (Income shall not be deemed property for purposes of ad valorem taxes)." In addition to ad valorem taxes the Legislature shall have the power to levy and collect taxes on net incomes from whatever source derived within this State. From net income an exemption of Fifteen Hundred Dollars ($1500.00) shall be allowed to unmarried persons, and an exemption of Three Thousand Five Hundred Dollars ($3,500.00) shall be allowed to the head of a family provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. The said income tax shall not exceed the following amounts on net incomes: not less than 1% and not more than 10%. So long as the Government of the United States of America imposes and collects an income tax and its income tax returns are available to the State Government, such income tax returns as made to and accepted by the United States Government shall when practicable be made the basis for the income tax returns made to the State and the State tax may be computed thereon. One-third of the net proceeds of said tax on incomes shall be applied to the support and maintenance of the public schools of the State and at least One Million Five Hundred Thousand Dollars ($1,500,000.00) of the remaining two-thirds of said tax shall be applied annually to the interest and sinking fund to pay the warrants herein authorized. After the payment of the warrants herein provided for, the balance of the proceeds of the income tax may be appropriated by the Legislature to Governmental expenses and purposes.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed shall be given by proclamation of the Governor, which shall be published in one newspaper once a week in every county in the State, for at least eight successive weeks, next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment; and on the official ballot provided for such election there shall be printed the following, viz: "Shall the following be adopted as an Amendment to the Constitution of Alabama? Article XXI. The State is authorized to sell negotiable interest-bearing warrants in an amount not to exceed Fifteen Million Dollars ($15,000,000.00) for the purpose of paying the past due indebtedness of the State outstanding on September 30, 1931, other than any amount due to any Department or Trust Fund of the State, said warrants shall be issued under denominations, numbers and series as may be desig-

nated or determined by the Governor, and shall mature not later than January 1, 1945, shall bear interest at not more than four and one-half (4½) per cent per annum, payable semi-annually, and shall be issued and sold at not less than the par value thereof. The Governor of the State of Alabama is further authorized from time to time to negotiate temporary loans never to exceed Three Million Dollars ($3,000,000.00) to meet any deficiencies in the treasury and until the same is paid no new loan shall be negotiated. For the payment of such loans and interest, the State is authorized to appropriate funds. Such warrants and loans shall be a direct obligation of the State and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged and such warrants and evidences of the loan shall be forever exempt from taxes of every kind. The warrants herein provided for or the proceeds from the sale thereof shall be used only for the purpose of paying claims, accounts, warrants or indebtedness due by or outstanding against the State on September 30, 1931, and which have been approved by the Governor, Attorney General, and State Auditor, excluding, however, any amount due to any Department or Trust Fund of the State. Said warrants shall be drawn by the State Auditor upon the State Treasurer and the semi-annual interest thereon, as it becomes due, and the principal, at maturity, shall be payable out of the sinking fund herein provided for. To provide for the prompt payment of the warrants herein authorized together with interest thereon, and to further provide for the support and maintenance of the public schools of the State and the general expenses of the State Government, Section 214 of Article II of the Constitution is hereby amended to read as follows: Section 214 of Article II—After the year ending September 30, 1931, the Legislature shall not have the power to levy in any one year a greater rate of tax than sixty one-hundredths of one per centum on 60% of the fair and reasonable cash value of the taxable property within this State. After the year ending September 30, 1932, there shall be no assessment of an ad valorem tax on real estate or tangible personal property for State purposes, and no assessments made on real and personal property for county and municipal taxation purposes shall exceed 60% of its fair market value. The Legislature shall have the power to levy and collect taxes, for State purposes, on net incomes from whatever source derived within this State, and to designate and to define the incomes to be taxed and to fix the rates within the limitations prescribed herein on a graduated basis or not. Income shall not be deemed property for purposes of ad valorem taxes. In addition to ad valorem taxes the Legislature shall have the power to levy and collect taxes on incomes from whatever source derived within this State. From net income an exemption of Fifteen Hundred Dollars ($1500.00) shall be allowed

to unmarried persons, and an exemption of Three Thousand Five Hundred Dollars ($3,500.00) shall be allowed to the head of a family provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. The said income tax shall not exceed the following amounts on net incomes; not less than 1% and not more than 10%. So long as the Government of the United States of America imposes and collects an income tax and its income tax returns are available to the State Government, such income tax returns as made to and accepted by the United States Government shall when practicable be made the basis for the income tax returns made to the State and the State tax may be computed thereon. One third of the net proceeds of said tax on incomes shall be applied to the support and maintenance of the public schools of the State and at least One Million Five Hundred Thousand Dollars ($1,500,000.00) of the remaining two-thirds of said tax shall be applied annually to the interest and sinking fund to pay the warrants herein authorized. After the payment of the warrants herein provided for, the balance of the proceeds of the income tax may be appropriated by the Legislature to Governmental expenses and purposes. "Yes_____" "No_____"

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing elections and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and return thereof made to the Secretary of State, and counted in the same manner, as in elections for representatives to the Legislature; and if it shall appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Passed by the Legislature July 25, 1931.

No. 745) (S. 525—Garrett.

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair and maintain public roads, highways and bridges in the State of Alabama; and to that end, to authorize the State to appropriate funds, and for constructional purposes only to issue and sell negotiable interest bearing bonds in an amount not

to exceed twenty-five million dollars ($25,000,000.00) in addition to the bonds authorized under the Act approved October 26th, 1921, proposing an amendment to the Constitution of the State of Alabama known and designated as Article XX, and in addition to the bonds authorized under the Act approved January 4, 1927, proposing an amendment to the Constitution of the State of Alabama known and designated as Article XXA; to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds and for the retirement of such bonds; to regulate the apportionments and expenditures of such bond monies, to prescribe how and by whom said bonds shall be issued and sold, and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on the 2nd Tuesday after the expiration of three months from and after the final adjournment of the present regular session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 2nd Tuesday after the expiration of three months from and after the final adjournment of the present regular session of the Legislature, at which this amendment is proposed. The proposed amendment is as follows: "Article XXB. Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for these purposes, the State is authorized to appropriate funds, and for constructional purposes only, the State is authorized also to issue and sell interest-bearing negotiable state bonds in addition to those already authorized and sold under Article XX and XX-A, as amendments to the Constitution of 1901, in an amount not to exceed the sum of twenty-five million dollars ($25,000,000.00), to be issued under such denomination, numbers and series, and maturing at such times as now provided by law, and all such bonds shall bear a rate of interest not greater than six per cent per annum, payable semi-annually, and shall be sold at a price not less than par value thereof.

Section 2. The State Highway Commission or Highway Department shall locate, construct and maintain highways, bridges and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard for the public welfare, and shall connect the county seats of the several border counties at or near the State line with a public highway in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of the circuit court are held, the places where said terms are held shall likewise be connected with each other.

Section 3. The proceeds of said bonds shall be used for constructing and surfacing of roads, and, constructing and/or repairing

bridges, but not for maintenance or discharging of contract debts, liability or obligations existing prior to the adoption of this amendment.

Section 4. Eighteen Million Four Hundred Twenty-five Thousand Dollars ($18,425,000.00) of the proceeds of said bonds shall be set aside by the Governor and apportioned in amounts of two hundred seventy-five thousand dollars ($275,000.00) to each of the respective counties of the State which must be expended by the State Highway Commission or Highway Department in each of said counties for construction, which shall include hard surfacing, of existing and also new public roads and bridges therein. The remaining proceeds of said bonds shall be used for the construction, which shall include surfacing, of existing or new highways and constructing or repairing bridges in the State.

Section 5. The proceeds of such bonds shall be kept separate and a part from all other funds and no part of the same shall ever be used in honoring a warrant not legally drawn against such proceeds.

Section 6. There is hereby levied and every distributor, retail dealer or storer shall pay an excise tax of one cent per gallon upon the selling, distributing or withdrawing from storage for any use gasoline, provided, however, that this excise tax is not levied upon the sale of gasoline in interstate commerce and provided further that where this excise tax shall have been paid by a distributor or by a retail dealer or storer such payment shall be sufficient, the intention being that this tax shall not be paid but once. The terms 'Distributor', 'retail dealer', 'storer', 'selling', 'distributing', 'withdrawing', and 'gasoline' are used as the same are used in existing gasoline excise tax laws of the State and shall be so construed, and all rights, duties, liabilities, penalties, powers and methods pertaining to the collection of gasoline taxes under such existing laws of the State shall apply in the collection, payment and accounting for the within excise tax, provided the legislature may limit, extend or further define the same. The excise tax of one cent herein levied shall be in addition to the excise gasoline taxes provided by existing laws of the State; but this Section shall not be construed in any way as limiting the power of the Legislature to increase or decrease this or any other gasoline tax.

Section 7. The one cent excise tax hereinbefore levied shall be used first to create a sinking fund for the prompt and faithful payment of the principal and the interest on the bonds herein authorized, and, second by the State for the construction, improvement, repair and maintenance of public roads, highways and bridges in this State.

Section 8. The bonds herein authorized when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged and such bonds shall be exempt forever from taxes of every kind.

Section 9. The bonds herein authorized shall be issued and sold in the same manner by a Bond Commission as set forth, defined and prescribed in Article 5 of Chapter 32, Code of Alabama, 1923.

Section 10. That House Bill No. 1204 by Mr. Tunstall, if and when passed by both houses of the Legislature of Alabama of 1931 and approved by the Governor, and being "A bill to be entitled An Act to impose, for the use and purpose of supervising, preserving, maintaining, constructing and regulating the use of public roads and bridges in the State of Alabama, an excise tax on all persons, companies, agencies, corporations and associations who, sell distribute, store or draw from storage for any purpose whatsoever, gasoline or any other liquid motor fuels or devices or any substitute therefor within the State of Alabama; providing for the collection of such excise tax and the payment of same into the State Treasury; providing for the enforcement of this Act and fixing a penalty for the violation of the provisions hereof; providing that the said excise tax so imposed shall be in addition to all other excise tax now imposed by law; and, providing that freight agents or railroads and all agents of all transportation companies operating within the State of Alabama and who transport motor fuels shall report to the State Tax Commission all shipments of gasoline or any substitute therefor, received at any of their stations within the State," be and the same is hereby ratified, confirmed and validated and made constitutional as a law, and such ratification, confirmation, validation and constitutionality as a law, shall, according to the terms thereof when finally passed, in the manner aforesaid, take effect and be effective on the day of the passage of said bill by both houses of the Legislature of Alabama of 1931, and approved by the Governor, as fully as if said bill was set out in words and figures herein.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Article XX-B of the Constitution of Alabama? Article XX-B. Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for these purposes, the State is authorized to appropriate funds and for constructional purposes only the State is authorized also to issue and sell interest-bearing negotiable State bonds in addition to those already authorized and sold under Article XX and XX A, as amendments to the Constitution of 1901, in an amount not to exceed the

sum of twenty-five million dollars ($25,000,000.00), to be issued under such denominations, numbers and series, and maturing at such times as may be provided by law, and all such bonds shall bear a rate of interest not greater than six per cent per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof.

Section 2. The State Highway Commission or Highway Department shall locate, construct and maintain highways, bridges and State trunk roads so as to connect each county seat with the County seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard for the public welfare, and shall connect the county seats of the several border counties at or near the state line with a public highway in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of the circuit court are held, the places where said terms of court are held, shall likewise be connected with each other.

Section 3. The proceeds of said bonds shall be used for constructing and/or surfacing of roads and constructing and/or repairing bridges, but not for maintenance or discharging of contract debts, liability or obligations existing prior to the adoption of this amendment.

Section 4. Eighteen million four hundred twenty-five thousand dollars ($18,425,000.00) of the proceeds of said bonds shall be set aside by the Governor and apportioned in amounts of Two hundred seventy-five thousand dollars ($275,000.00) to each of the respective counties of the State which must be expended by the State Highway Commission or Highway Department in each of said counties for construction, which shall include hard surfacing, of existing and also new public roads and bridges therein. The remaining proceeds of said bonds shall be used for the construction, which shall include surfacing, of existing or new highways and constructing or repairing bridges in the State.

Section 5. The proceeds of such bonds shall be kept separate and apart from all other funds and no part of the same shall ever be used in honoring a warrant not legally drawn against such proceeds.

Section 6. There is hereby levied and every distributor, retail dealer or storer shall pay an excise tax of one cent per gallon upon the selling, distributing or withdrawing from storage for any use gasoline provided, however, that the excise tax is not levied upon the sale of gasoline in interstate commerce, and provided further that where this excise tax shall have been paid by a distributor or by a retail dealer or storer such payment shall be sufficient, the intention being that this tax shall not be paid but once. The terms 'distributor', 'retail dealer', 'storer', 'selling', 'distributing', 'withdrawing' and 'gasoline' are used as the same are

used in existing gasoline excise tax laws of the State and shall be so construed, and all rights, duties, liabilities, penalties, powers and methods pertaining to the collection of gasoline excise taxes under such existing laws of the State shall apply to the collection, payment and accounting for the within excise tax, provided, the Legislature may limit, extend or further define the same. The excise tax of one cent herein levied shall be in addition to the excise gasoline taxes provided by existing laws of the State, but this section shall not be construed in any way as limiting the power of the Legislature to increase or decrease this or any other gasoline tax.

Section 7. The one cent excise tax hereinbefore levied shall be used first to create a sinking fund for the prompt and faithful payment of the principal and the interest on the bonds herein authorized, and, second, by the State for the construction, improvement, repair and maintenance of public roads, highways and bridges of this State.

Section 8. The bonds herein authorized when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged and such bonds shall be exempt forever from taxes of every kind.

Section 9. The bonds herein authorized shall be issued and sold in the same manner by a Bond Commission as set forth, defined and prescribed in Article 5 of Chapter 32, Code of Alabama, 1923.

Section 10. That House Bill No. 1204 by Mr. Tunstall, if and when passed by both houses of the Legislature of Alabama of 1931 and approved by the Governor and being "A bill to be entitled an act to impose, for the use and purpose of surviving, preserving, maintaining, constructing and regulating the use of public roads and bridges in the State of Alabama, an excise tax on all persons, companies, agencies, corporations, and associations who sell, distribute, store or draw from storage for any purpose whatsoever, gasoline or any other liquid motor fuels or devices or any substitute therefor within the State of Alabama; providing for the collection of such excise tax and the payment of same into the State Treasury; providing for the enforcement of this act and fixing a penalty for the violation of the provisions hereof; providing that the said excise tax so imposed shall be in addition to all other excise tax now imposed by law; and, providing that freight agents or railroads and all agents of all transportation companies operating within the State of Alabama and who transport motor fuels shall report to the State Tax Commission all shipments of gasoline or any substitute therefor, received at any of their stations within the State," be and the same is hereby ratified, confirmed and validated and made constitutional as a law, and such ratification, con-

firmation, validation and constitutionally as a law, shall, according to the terms thereof when finally passed, in the manner aforesaid, take effect and be effective on the day of the passage of said bill by both houses of the Legislature of Alabama of 1931 and approved by the Governor, as fully as if said bill was set out in words and figures herein. "Yes_____" "No_____". The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Passed by the House and the Senate July 25, 1931.

INTEREST LAWS AND STATUTES OF LIMITATION

	Interest Laws.		Statutes of Limitation.		
	Legal Rate.	Rate Allowed by Contract.	Judgments Years	Notes Years	Open Accounts Years
Alabama	8	8	20	6	3
Alaska	8	12	10	6	1
Arkansas	6	10	10	5	3
Arizona	6	12	5	4	3
California	7	12	5	4	4
Colorado	8	12	20	6	6
Connecticut	6	12	[2]	[7]	6
Delaware	6	6	10	[15]6	3
District of Columia	6	8	12	3	3
Florida	8	10	20	[15]5	2
Georgia	7	8	7	[15]6	4
Idaho	7	10	6	5	4
Illinois	5	7	20	10	5
Indiana	6	8	20	10	6
Iowa	6	8	[9]20	10	5
Kansas	6	6	5	5	3
Kentucky	6	6	15	15	[17]5
Louisiana	5	8	10	5	3
Maine	6	[1]	20	[18]6	[4]6
Maryland	6	6	12	3	3
Massachusetts	6	[1]	20	6	6
Michigan	5	7	10	6	6
Minnesota	6	8	10	6	6
Mississippi	6	8	7	6	3
Missouri	6	8	10	10	5
Montana	8	10	[5]10	8	5
Nebraska	7	10	[8]5	5	4
Navada	7	12	6	4	4
New Hampshire	6	6	20	6	6
New Jersey	6	6	20	6	6
New Mexico	10	12	7	6	4
New York	6	[3]6	[11]20	6	[4]6
North Carolina	6	6	10	[13]3	3
North Dakota	6	12	[10]10	6	[4]6
Ohio	6	8	[12]15	15	6
Oklahoma	6	10	[20]5	5	3
Oregon	6	10	10	6	6
Pennsylvania	6	6	[19]5	[16]6	6
Rhode Island	[14]6	[1]	20	6	6
South Carolina	7	8	10	6	6
South Dakota	7	12	[21]10	6	6
Tennessee	6	6	10	6	6
Texas	6	10	[8]10	4	2

INTEREST LAWS AND STATUTES OF LIMITATION—Continued

	Interest Laws.		Statutes of Limitation.		
	Legal Rate.	Rate Allowed by Contract.	Judgments Years	Notes Years	Open Accounts Years
Utah	8	12	8	6	4
Vermont	6	6	8	6	[4]6
Virginia	6	6	20	[15]5	[12]2
Washington	6	12	6	6	3
West Virginia	6	6	10	10	5
Wisconsin	6	10	[11]20	6	6
Wyoming	9	10	21	5	8

[1]Any rate. [2]Any rate, but only 6 per cent can be collected by law. [3]No law.
[4]Six years from last item.
[5]In courts not of record 5 years.
[6]Twenty years in courts of record; in justice's court 10 years.
[7]Negotiable notes 6 years, non-negotiable 17 years.
[8]Becomes dormant, but may be revived.
[9]New York has by a recent law legalized any rate of interest on call loans of $5,000 or upward, on collateral security.
[10]Subject to renewal.
[11]Not of record 6 years.
[12]No limit.
[13]Foreign, domestic 6 years.
[14]Unless a different rate is expressly stipulated.
[15]Under seal, 20 years.
[16]Store accounts; other accounts 3 years; accounts between merchants 5 years.
[17]Accounts between merchants 2 years.
[18]Witnessed 20 years.
[19]Ceases to be a lien after that period.
[20]On foreign judgments one year.
[21]Ten years foreign, 20 domestic.

STATE DEPARTMENTS

Governor—B. M. Miller, Camden.
Lieutenant Governor—Hugh D. Merrill, Anniston.
Secretary of State—Pete B. Jarman, Jr., Livingston.
State Auditor—John Brandon, Montgomery.
State Treasurer—S. H. Blan, Troy.
Attorney General—Thos. E. Knight, Jr., Greensboro.
Superintendent of Education—Dr. A. F. Harman, Montgomery.
Insurance Commissioner—Charles C. Greer, Birmingham.
Commissioner of Agriculture and Industries—Seth P. Storrs, Wetumpka.
Public Service Commission—Hugh White, Gadsden.
State Tax Commission—S. R. Butler, Huntsville.
Conservation Commissioner—I. T. Quinn, Montgomery.
Superintendent of Banks—H. H. Montgomery, Anniston.
Alabama Highway Director—Landon G. Smith, Birmingham.
Department of Archives and History—Mrs. Marie Bankhead Owen, Montgomery.
Adjutant General—Col. Hartley A. Moon, Montgomery.
Chief Mine Inspector—W. B. Hillhouse, Birmingham.
State Geologist—Walter B. Jones, University.
State Chemist—Dr. B. B. Ross, Auburn.
State Veterinarian—Dr. C. A. Cary, Auburn.
State Securities Commission—Wm. C. Oates, Executive Secretary, Montgomery.
Chief Examiner of Public Accounts—Walter K. Smith, Mobile.
Alabama Pension Commission—Walter K. Smith, Mobile.
State Fire Marshal—R. E. Searcy, Greenville.
State Prison Inspector—Dr. Glenn Andrews, Montgomery.
State Board of Public Accountancy—Wm. J. Christian, Birmingham.
State Docks Commissioner—M. M. Caskie, Montgomery.
State Board of Education—B. M. Miller, Chairman, Camden.
State Board of Pharmacy—J. T. Dumas, Foley.
State Board of Pardons—Thos. E. Knight, Jr., Greensboro.
State Child Welfare Department—Mrs. A. M. Tunstall, Director, Greensboro.
State Service Commissioner—W. M. Weston, Birmingham.
Alabama Real Estate Commission—(No appointment.)
State Board of Optometry—G. W. Blakey, Dothan.
State Board for Registration of Architects—Dr. Frederick Child Biggin, Auburn.
Aviation Commissioner—Amzi G. Barber, Birmingham.
State Pilotage Commission—A. F. Norquist, Mobile, Chairman.

JUDICIAL

Supreme Court—John C. Anderson, Chief Justice, Demopolis.
Court of Appeals—C. R. Bricken, Presiding Judge, Luverne.

OFFICERS AND MEMBERS OF THE LEGISLATURE OF ALABAMA, 1931

SENATE OF ALABAMA

OFFICERS

Hugh D. Merrill, Lieutenant Governor.....Anniston, Ala.
Senator R. H. Powell, President Pro Tem.....Tuskegee, Ala.
J. E. Speight, Secretary.....Montgomery, Ala.
Harrison McCutchin, Asst. Secretary.....Scottsboro, Ala.

MEMBERS

1st District—Senator R. H. Walker.....Athens, Ala.
2nd District—Senator J. Marvin Kelley.....Hartselle, Ala.
3rd District—Senator B. J. Cowart.....Haleyville, Ala.
4th District—Senator Shelby S. Fletcher.....Huntsville, Ala.
5th District—Senator C. D. Scruggs.....Guntersville, Ala.
6th District—Senator E. D. Jordan.....Attalla, Ala.
7th District—Dr. J. L. Wikle.....Anniston, Ala.
8th District—Senator D. Hardy Riddle.....Talladega, Ala.
9th District—Senator Paul J. Hooton.....Roanoke, Ala.
10th District—Dr. A. L. Harlan.....Alexander City, Ala.
11th District—Senator W. C. Warren.....Tuscaloosa, Ala.
12th District—Senator Coleman Shepherd.....Jasper, Ala.
13th District—Senator Lee Edmundson.....Birmingham, Ala.
14th District—Senator W. W. Beasley.....Carrollton, Ala.
15th District—Senator J. G. Duncan.....Prattville, Ala.
16th District—Senator H. M. Caffey.....Hayneville, Ala.
17th District—Senator T. A. Goodwin.....Florala, Ala.
18th District—Senator Howard Cooper.....Brent, Ala.
19th District—Senator Coma Garrett, Jr.....Grove Hill, Ala.
20th District—Senator Henry McDaniel.....Demopolis, Ala.
21st District—Senator E. T. Millsap.....Monroeville, Ala.
22nd District—Senator J. M. Bonner.....Camden, Ala.
23rd District—Senator T. S. Faulk.....Samson, Ala.
24th District—Senator C. S. McDowell, Jr.....Eufaula, Ala.
25th District—Senator G. J. Hubbard.....Troy, Ala.
26th District—Senator R. H. Powell.....Tuskegee, Ala.
27th District—Senator C. G. Brown.....Hurtsboro, Ala.
28th District—Judge C. B. Teasley.....Montgomery, Ala.
29th District—Senator John T. Bartlett.....Collinsville, Ala.
30th District—Senator J. W. Lapsley.....Selma, Ala.
31st District—Senator John F. Delony.....Tuscumbia, Ala.
32nd District—Senator E. F. Hildreth.....Eutaw, Ala.
33rd District—Senator John Craft.....Mobile, Ala.
34th District—Senator John A. Darden.....Goodwater, Ala.
35th District—Senator Hubert Farmer.....Dothan, Ala.

HOUSE OF REPRESENTATIVES, 1931

OFFICERS

Speaker—A. M. Tunstall.....Greensboro
Clerk—J. H. Stewart.....Montgomery
Assistant Clerk—R. B. Vail.....Bay Minette
Enrolling Clerk—J. W. Kirtland.....Montgomery
Engrossing Clerk—John A. Dickinson.....Prattville
Doorkeeper—A. C. Sanders.....Goshen

MEMBERS

Autauga—F. J. McNeel.....Autaugaville
Baldwin—W. C. Beebe.....Bay Minette
Barbour—Chauncey Sparks.....Eufaula
Barbour—F. D. Pierce.....Louisville
Bibb—N. E. Stewart.....R. F. D., West Blocton
Blount—A. L. Bains.....Oneonta
Bullock—T. S. Frazer.....Union Springs
Bullock—C. D. Norman.....Union Springs
Butler—Earl M. McGowin.....Chapman
Butler—J. N. Poole.....Butler Springs
Calhoun—Albert P. Johnston.....Jacksonville
Calhoun—R. Clarence Williams.....Anniston
Chambers—Y. L. Burton.....LaFayette
Chambers—J. W. Hollingsworth.....LaFayette
Cherokee—Thos. W. Bradford.....Center
Chilton—Percy M. Pitts.....Clanton
Choctaw—O. B. Christopher.....Butler
Clarke—C. A. Coats.....Grove Hill
Clarke—Earl L. Tucker.....Thomasville
Clay—J. W. Jordan.....Ashland
Cleburne—E. Burns Parker.....Heflin
Coffee—Jack D. Lee.....Elba
Colbert—C. E. Carmichael.....Tuscumbia
Conecuh—J. E. Kelly.....Repton
Coosa—Felix L. Smith.....Rockford
Covington—R. H. Jones.....Andalusia
Crenshaw—C. J. Kettler.....Luverne
Cullman—F. E. St. John.....Cullman
Dale—Chas. O. Stokes.....Ozark
Dallas—W. C. Givhan.....Blalock
Dallas—Wm. P. Molette.....R. F. D., Orrville
Dallas—J. Morgan Burns.....Selma
DeKalb—J. W. Loyd.....Dawson
Elmore—Jno. A. Lancaster.....Wetumpka
Elmore—Arthur Glover.....Wetumpka

Escambia—G. R. Swift Atmore
Etowah—C. S. Culver Gadsden
Etowah—G. C. Allen Gadsden
Fayette—J. G. Hamby Fayette
Franklin—W. H. Key, Jr. Russellville
Geneva—M. L. Black Hartford
Greene—Jno. W. Cook Eutaw
Hale—Edwin S. Jack Greensboro
Hale—A. M. Tunstall Greensboro
Henry—Jno. B. Ward Abbeville
Henry—E. C. Glover Abbeville
Houston—Jno. W. Rish Dothan
Jackson—Jno. M. Snodgrass Scottsboro
Jackson—J. S. O'Neal Paint Rock
Jefferson—Jno. C. Morrow Birmingham
Jefferson—Amzi G. Barber Birmingham
Jefferson—W. Cooper Green Tarrant
Jefferson—Jas. H. Bradford Birmingham
Jefferson—Lewey Robinson Birmingham
Jefferson—Jos. R. Tate Birmingham
Jefferson—Chas. R. West New Castle
Lamar—W. W. Ogden Sulligent
Lauderdale—H. L. Reeder Florence
Lauderdale—S. E. McDonald Florence
Lawrence—J. Holland Moulton
Lee—C. B. Gullatt, Sr. Phoenix City
Lee—Roy L. Smith Phoenix City
Limestone—Thos. W. Spencer Athens
Lowndes—Chas. E. Brooks Ft. Deposit
Lowndes—R. M. Guy R. F. D., Letohatchie
Macon—Hubert T. Davis Ft. Davis
Madison—Jno. P. Hampton R. F. D., Huntsville
Madison—Robt. T. Lawler Brownsboro
Marengo—R. E. Sutton Linden
Marengo—W. C. Harrison Gallion
Marion—E. B. Fite Hamilton
Marshall—W. H. Black Union Grove
Mobile—Wm. C. Taylor Mobile
Mobile—Geo. A. Sossaman Mobile
Mobile—Edw. J. Grove Mobile
Monroe—A. C. Lee Monroeville
Montgomery—R. Tyler Goodwyn Montgomery
Montgomery—T. M. Arrington Montgomery
Montgomery—L. A. Sanderson Montgomery
Montgomery—Lee Calloway Montgomery
Morgan—Jno. Patterson Decatur
Morgan—Tennis Tidwell Decatur

Perry—W. T. Harris Marion
Perry—W. L. De Sear Uniontown
Pickens—G. E. Davis Gordo
Pike—J. L. Giddens Troy
Pike—Parke Thompson Goshen
Randolph—D. T. Ware Roanoke
Russell—Geo. G. Wallace Girard
Russell—Chas. T. Clayton Girard
Shelby—L. L. Saxon Columbiana
St. Clair—Perkins McClendon St. Clair Springs
Sumter—Geo. O. Miller Livingston
Sumter—C. B. Hightower, Sr. York
Talladega—R. B. Kelly, Jr. Sylacauga
Talladega—Hugh F. McElderry Talladega
Tallapoosa—W. D. Graves Alexander City
Tallapoosa—J. H. Lovelace Dadeville
Tuscaloosa—A. K. Callahan Tuscaloosa
Tuscaloosa—J. Henry Mize Tuscaloosa
Walker—J. Carl Shepherd Jasper
Walker—Carter Manasco Jasper
Washington—J. Massey Edgar Chatom
Wilcox—B. H. Matthews Camden
Wilcox—R. J. Goode Gastonburg
Winston—J. A. Posey Haleyville

INDEX

TO GENERAL ACTS OF THE LEGISLATURE OF 1931

	Page
ACKNOWLEDGMENTS	
Effect of certain cases	674
ACTS AMENDED	
Admissions and disbarments of lawyers, App. August 9, 1923, Sections 14 and 15	683
Banking Department, App. February 18, 1927	130
Blind, aid of, App. September 6, 1927	814
Board of Revenue, Appropriation, County purposes, App. February 20, 1931	550
Boxing, sparring and wrestling matches, App. July 1, 1927	97
Boxing and wrestling matches, App. July 1, 1927	241
Burial companies regulated, App. July 29, 1927	394
City Board of Education, powers of, App. September 6, 1927	438
Codification laws, county and municipal bonds, App. September 10, 1927	601
Commission government, App. March 4, 1931	334
Commission form of government, App. September 18, 1923	30
Consolidation, schools system, Counties 75,000 to 100,000 Population, App. September 6, 1927	169
Corporation permits, App. July 22, 1927	68
County Attorney, certain counties, App. August 11, 1927	512
Excise tax, gasoline, App. August 27, 1927	458
Gasoline and motor fuel excise tax, Section 12½, App. August 27, 1927	410
General municipal elections, App. September 9, 1927	436
General Revenue Bill, App. July 2, 1927	288
Humane Officer, App. August 30, 1923	548
Highway patrolmen, certain counties, App. September 24, 1923	454
Juvenile Court Act, App. September 9, 1927	244-247
Municipal bonds for public utilities, App. September 10, 1927	428
Negro Reform School, created, App. September 30, 1919	670
New State Tax Commission, App. February 3, 1923	5
Organization of State Bar, App. August 9, 1923	284-287
Real Estate Commission, App. August 27, 1927	327-331
Register of Circuit Court, App. February 12, 1927	131
Registration of motor vehicles, App. September 13, 1923	295
Roads and Bridges, Counties 41,000 or more population, App. February 16, 1931	540
Salt water shrimp, protection of, App. September 2, 1919	424-428
Sections 4, 7, and 8, State Real Estate Commission, App. August 27, 1927	327-331
Section 12, Juvenile and Domestic Relations Court, act creating, Counties over 200,000 population, App. August 2, 1927	542-545
Section 19, General Revenue, App. July 22, 1927	812
Section 24, General Revenue, App. July 2, 1927	325
Section 31, Paupers, care and support of, App. September 9, 1927	749
Section 47, General Revenue Law of 1923	671
Section 56, General Revenue, App. July 22, 1927	327
Section 56, Primary Election Law, App. February 25, 1931	755
Section 72, General Revenue, App. July 22, 1927	666
Section 243, General Revenue, App. September 15, 1919	812
State Highway Department, App. August 23, 1927	7, 236
State Service Commissioner, App. June 6, 1927	607
Trial tax, App. September 15, 1919	604
Zoning law, App. September 26, 1923	459-462

ACTS OF LEGISLATURE, GENERAL
Publication of ... 170

ACTS REPEALED
Alabama Highway Code, Sections 4 and 10, App. August 23, 1927 ... 7-11
Board of Revenue, Counties 200,000 or more population, authorized to pay Tax Collectors and Assessors for ex officio services, App. September 2, 1927 ... 646
Boards of Revenue, reports to, App. March 9, 1931 ... 424
Insane veterans, commitment of, to U. S. D. V. Hospital for treatment, App. September 6, 1927 ... 284
Retirement and pension of teachers, certain cities, App. September 10, 1927 ... 279
State Highway Department, App. August 23, 1927 ... 7-11

ADJUTANT GENERAL
See Military Act ... 687-749

ADJUTANT GENERAL, DEPARTMENT
Appropriation for ... 854

ADMINISTRATION OF ESTATES
Claims to be presented or barred ... 840
Distribution made on application after six months ... 842
Final settlement, when may be made ... 838
Not to be sued for six months ... 841
Objections to claims, issue, trial, costs ... 843
Order made after six months protects representative ... 841
Payments of debts not due ... 837
Presentation of claims, how made, affidavit ... 837
Representatives having claim against estate must file same in Probate Court, verified by affidavit ... 839
When claims barred; affidavit to claims ... 839
When legatee may sue for legacy ... 842
When payment of legacies may be compelled ... 841
When representative protected in payment of debts ... 839
When revival of suit a presentation ... 838
When settlement to be made ... 842

ADMINISTRATION, GRANT OF
Order of ... 649

ADMINISTRATORS
Not to be sued for six months ... 841
Order made after six months protects ... 841
Payment of debts not due ... 837
When settlement to be made ... 842

ADOPTION OF MINOR CHILD
Who may petition for ... 504

ADVERTISING
False advertising prohibited, what amounts to ... 781

AD VALOREM TAXES, MOTOR VEHICLES, CITY
Tax Assessor and Collector collect, certain counties ... 774

AERONAUTICS
See Aircraft and Pilots ... 211
See Municipal Airport Act ... 197-203
See State Aviation Commission ... 845-850

AGREED CASE 409

AGRICULTURAL CODE, AMENDED
Bond required of warehousemen, Section 393 844

AIRCRAFT AND PILOTS
Construction of act 212
Definitions 211
Exemptions 212
License, possession and display of 212
License required from U. S. 211
Operators, qualifications of 211
Penalties 212

AIRPORTS
See Municipal Airport Act 197-203

AIR SERVICE
See Alabama National Guard 402-407

AIRWAYS, STATE
See State Aviation Commission 845-850

ALABAMA AIR SERVICE BUILDING COMMISSION
See Alabama National Guard 402-407

ALABAMA ATHLETIC COMMISSION
Created 97

ALABAMA BOYS INDUSTRIAL SCHOOL
Appropriations to 762

ALABAMA BRIDGE CORPORATION
Consent must be given to toll bridges and ferries 182
Requested to change name of bridge 375

ALABAMA INSTITUTE FOR DEAF AND BLIND
Appropriation for 637
Children exempt from attendance 126
Enrollment of children 126
Prosecution of parents or guardians 126

ALABAMA MOTOR CARRIER ACT OF 1927
Repealed, Section 62 324

ALABAMA MOTOR CARRIER ACT OF 1931
Appeals from orders of commission 320
Attachment for recalcitrant witnesses 318
Bond of transportation company 310
Books and accounts, examination of 318
Books and forms of accounts 311
Books and records, production of 317
Certificate of convenience and necessity 306
Certificate of convenience and necessity bond 312
Charging unlawful rate 317
Cities and towns may collect privilege licenses 324
Commission may employ engineers, attorneys, etc. 314
Commission, powers of 324
Complaints, investigation of 316
Complaints, time and place for hearing 316
Definitions 303
Drivers, qualifications of 313

ALABAMA MOTOR CARRIER ACT OF 1931—*Continued*
Employees to maintain secrecy 320
Excursion and mileage tickets 318
Expenses under Motor Carrier Act 315
Extortion 317
False entries 320
False returns or reports 320
Fees 307-310
Free passes prohibited 321
Hours of labor 314
Injunction, when not to issue 320
Interline transportation prohibited 315
Investigations by Commission 322
Lien for taxes 307-310
Limitations 310
Load capacity 307-310
Mileage tax 307-310
Municipalities, rights of 322
Oaths, authority to administer 318
Offenses 306
Office maintained in Alabama 317
Orders of Commission served by mail 314
Orders of Commission in writing 319
Passenger stations 323
Penalties 321
Penalties, suits for 320
Perjury 320
Power and authority of Commission 304
Privilege licenses, cities may collect 324
Rates 304
Reasonableness of rates 311
Repealing Sections 62-63-64 324
Rules and regulations 324
Safety rules and regulations 313
Salaries of Commission, increase of 322
Self incrimination, immunity 319
Service not to be discontinued 311
Service of orders of Commission 318
Suits against transportation companies 311
Tariffs filed 304
Waiting rooms 323
Witness fees 319

ALABAMA NATIONAL GUARD
Air Service Building Commission, created 402
Acquirement of lands 403
Construction of buildings 404
Contracts of Commission 403
Employment of architects and experts 404
Letting of bids 405
Members of Commission, restrictions on 405
Minutes and proceedings 406
Vacancies 403
Appropriation for 407
Appropriation for Armory Commission 836
See Military Act 687-749

ALABAMA PHARMACEUTICAL ASSOCIATION
Submits names to Governor 378

ALABAMA POLYTECHNIC INSTITUTE
Authorized to receive grants of money from U. S. 25

ALABAMA PUBLIC SERVICE COMMISSION
See Alabama Motor Carrier Act of 1931 303-324
See Telephone Companies Securities Act 830-834

ALABAMA SCHOOL CODE
Elections under, validated 97

ALABAMA SCHOOL CODE, AMENDED
Section 124—Age of child to enter school 803
Section 130—Borrowing money to pay teachers 279
Section 136—Borrowing money 164
Section 136—Funds borrowed to pay debts 164
Section 176—Vacations and leave of absence 164
Section 208—Condemnation proceedings to acquire land 192
Section 213—Loans to pay teachers' salaries 453
Section 289—Use of district funds 559
Section 372—Application for rural school house 408
Section 373—Amount of aid for class room 408
Section 522—Corporate powers of institute 633
Section 582—Object of the school 332

ALABAMA SECURITIES ACT, AMENDED
Attorney General and Solicitors to prosecute violations of act 800
Commission to make rules and regulations 800
Complaints, investigations, findings of fact, injunctions 794
Dealers in and salesmen of securities; registration and supervision of, etc. 796
Definitions 783
Fees to be paid for registration 788
Hearing on report to Commission 789
Powers of Commission to enforce provisions of Alabama Securities Act. Examination and examiners' revocation of registration of securities 792
Refusal to obey orders of Securities Commission, penalty for 800
Repeal conflicting legislation 801
Reports to Commission, cancellation of registration of securities and discharge from filing further reports 791
Secretary, examiner of Commission 801
Securities issued, list on stock exchange 786
Transactions exempted from operation of act 787
Unconstitutionality, one clause not affect others 801
When sales made in violation of article, voidable 799

ALABAMA SECURITIES COMMISSION
See Alabama Securities Act, amended 783-801
See Telephone Companies Securities Act 830-834

ALABAMA STATE BRIDGE CORPORATION
Requested to issue passes to law officers 205

ALABAMA, STATE OF
Divided into Judicial Circuits 647
Not to grant tax exemptions 811
Water resources investigated 821

ALTOONA, CITY OF
Constitutional amendment to increase taxes which may be levied 641-644

AMERICAN LEGISLATORS ASSOCIATION
Resolution commending 288

AMERICAN RED CROSS
Appropriation for, by counties 53

ANNISTON LAND COMPANY
Relief of 669

ANTI-GAMBLING DEVICE ACT
Appeals lie to Court of Appeals 809
Date of effect of act 809
Decree to direct destruction of 809
Definitions 806
Disposition of contents 808
Duty of sheriff to seize and remove 808
Duty of solicitor to file bill 808
How costs are to be paid 809
Machines or devices lawful 807
One part unconstitutional others not affected 809
Punishments for violating act 807
Unlawful to keep, set, etc. 807

APPEAL BONDS
Counties, when not required by, 200,000 population 54

APPEALS
By city, 100,000 population, how taken 291

APPEALS TO CIRCUIT COURT
From order vacating street or alley 62

APPEALS TO SUPREME COURT
Vacation of streets and alleys 62

APPROPRIATIONS
Alabama Boys Industrial School 762
Alabama Institute for Deaf and Blind 637
Anniston Land Company, relief of 669
Archives and History, Department of 853
Armory Commission 836
Attorney General 853
Audit of State Departments 4
Baltzer, B. F., relief of 610
Banking Department 854
Bray, W. E., relief of 638
Boards of Revenue, Counties 75,000 to 100,000 population 53
Capitol electrician 857
Capitol watchmen 857
Children under 18 years of age, relief of 397
Citizens Life Insurance Company of Huntsville, relief of 686
Confederate Veterans Reunion, Montgomery, 1931 46
Convict Department 856
Court of Appeals 857
Dixie Fire Insurance Company of Greensboro, N. C., relief of 640
Educational opportunities for children of those killed in the World War 775
Examiners of Accounts, Department of 856
Executive office 852
Gibbs, Acton C., relief of 549
Gilliland, W. H. and Saxon, S. V., relief of 820

APPROPRIATIONS—*Continued*
Governor's contingent and mansion funds 856
Governor's interest contingent fund 129
Hall, Mrs. Matilda J., relief of 609
Independent Life Insurance Company, relief of 802
Jefferson Standard Life Insurance Company, relief of 640
Judicial Circuits 858
Legislature, expenses of 11, 296
Life and Casualty Insurance Company of Tennessee, relief of 639
Mine Inspectors 855
Military Act 687-749
Military Department 854
National Guard Air Service 407
National Life and Accident Insurance Company, Inc., relief of 801
Prison Inspector 855
Provident Life and Accident Insurance Company, relief of 803
Reform School for Negroes 670
Secretary of State 852
Spencer, Cora, relief of 779
State Auditor 852
State Aviation Commission 850
State Service Commissioner 609
State Tax Commission 854
Supreme Court 857
Tubercular hospitals 453
Tyra, Joe C., relief of 607
Volunteer State Life Insurance Company, relief of 802
York, Town of, paving assessments 558

ARCHITECTS
Registration of 514
State Board of Registration of 514-519

ARCHIVES AND HISTORY, DEPARTMENT OF
Appropriation for 853
Duties, reference Collins-Plowman Bridge 816

ARMORIES
See Armory Commission 750-754

ARMORY COMMISSION
Acquiring buildings and grounds 751
Appropriation for 836
City and county aid for armories 754
Joint use of public buildings, etc. 752
Maintenance of armories 754
Management and care of armories 752
Military property exempt from taxation 752
Organization of 750
Power of condemnation 752
Providing armories 751
Public grounds for armory building purposes 752
Revisions of donations 753
Sale or lease of armories 753
Use and disposition of armories 752

ARREST WITHOUT WARRANT
Extradition cases 562

ARREST, WRIT OF
When issued 652

ARSON
Wilful or malicious burning of fences, stacks, piles of corn, grain, etc. 685

ASSESSMENTS OF TAXES
Cities over 15,000 population by council, accepted by Board of Revenue 650

ASSOCIATIONS
Member, right to examine 771

ASYLUM, RIGHT OF
None in extradition cases 564

ATHLETIC COMMISSION, ALABAMA
Jurisdiction and authority of 241

ATHLETIC COMMISSIONER
Appointment and qualifications 97

ATTACHMENTS
Strawberries, levied on 407

ATTALLA, CITY OF
Constitutional amendment to increase taxes which may be levied 641-644

ATTORNEY GENERAL
Appropriation for 853
Duties, Pitts Judgment vs. Highway Commission 462
Member of Committee to investigate claim of C. Irwin 685
To prosecute violations Securities Act 800

ATTORNEYS AT LAW
Certain code sections applying to admittance to bar repealed 650
Professional misconduct investigated by Grievance Committee, State Bar 683
Practice of law regulated 606
See Lawyers 284-287

AUTOMOBILE LICENSE
Of whom not required 812

AUTOMOBILE LICENSE TAG
Not to be transferred 259
Remain with automobile 259

AUTOMOBILES
See Motor Vehicles 297

AVIATION
See State Aviation Commission 845-850

BAIL
Not discharged by irregularities or by want of qualifications 675

BALTZER, B. F.
Relief of 610

BANK DEPOSITS
Declared trust funds, certain counties 511

BANK DRAFTS
Preferred claim against closed bank, when 206

BANKING DEPARTMENT
Appropriation for ... 854
Bond of Deputy Superintendent ... 130
Deputy Superintendent of bank ... 130
Examiners, number of ... 130
Salaries of officials ... 130
Superintendent may compromise bad debts ... 244
Superintendent may dispense with services ... 130
Traveling expenses ... 131

BANKS
Consolidation with National Bank ... 127
Directors, duties and bonds ... 256
Draft and cashier's checks preferred claim, when ... 206
Duties of directors ... 256

BANKS AND BANKING
Capital stock of, how increased or decreased ... 757
Impaired capital-losses, action when ... 825

BANKS AND BANKING, CERTAIN CITIES
Capital stock ... 392

BAR
Certain code sections applying to admittance to, repealed ... 650

BARBER COLLEGES
Must secure licenses, counties over 300,000 population ... 615

BARBER'S COMMISSION
Created in counties over 300,000 population ... 615-620
Commission created ... 615
Definitions ... 615
Duties of Commission ... 615
Duties of members ... 616
License procured from ... 615
Members ... 615
Organization and regulations of ... 616-620
Qualifications of ... 616
Terms of members ... 615

BARBER SHOPS
Must secure license, counties over 300,000 population ... 615

BARBER'S LICENSE
Secured from Commission, counties over 300,000 population ... 615

BEAUTY SHOPS
See Board of Cosmetological Examiners ... 653-660

BILLS AND NOTES
Usury cannot be pleaded against bona fide holder in due course ... 783

BILLS OF LADING
See Uniform Bill of Lading Act ... 488-601

BIRMINGHAM, CITY OF
Appeals, how taken ... 291
Depository for school funds, Board of Education selects ... 293
Inferior Court established in ... 528-536
Teachers, retirement of, City Board of Education ... 278
Waterworks, purchase or construction ... 347-352

BLIND PERSONS
Aid of ... 814

BLUE SKY LAW
See Alabama Securities Act, amended ... 783-801

BOARDING HOMES FOR CHILDREN
Regulated ... 368

BOARD OF ADJUSTMENT
Municipal zoning laws ... 459-462

BOARD OF COMMISSIONERS, STATE BAR
Grievance Committee investigates professional misconduct of lawyers ... 683

BOARD OF COSMETOLOGICAL EXAMINERS, COUNTIES OVER 400,000 POPULATION
Boards established and duties defined ... 658
Certificates for shops or schools ... 656
Created ... 658
Definition and qualification of apprentices ... 654
Election of officers of Board, duties ... 658
Exceptions ... 654
Issuance of certificate of registration ... 655
Penalty for violation of act ... 660
Practice of cosmetology defined ... 654
Qualifications for admission to practice ... 655
Refusal or revocation of a certificate of registration ... 657
Requirements of renewal of license ... 659
Requirements of schools and shops, teaching ... 656

BOARD OF COUNTY COMMISSIONERS, COUNTIES 105,000 TO 300,000 POPULATION
May pay employees injured discharge of duty ... 635

BOARD OF EDUCATION, CITY
Loans to pay current expenses ... 453

BOARD OF EDUCATION, CITIES OVER 100,000 POPULATION
Select depository for school funds ... 293

BOARD OF EDUCATION, CITIES OVER 200,000 POPULATION
Special elections, pay expenses of ... 263

BOARD OF EDUCATION, COUNTY
Powers of, Counties 75,000 to 100,000 population ... 438
Expenses, counties 200,000 or over ... 513
Borrow money, right to ... 614
Borrow money to pay teachers ... 279
Rural school house fund ... 435

BOARD OF EDUCATION, STATE
Aid of blind persons ... 814

BOARD OF NURSE'S EXAMINATION
Examines nurses for registration ... 835
Renewal and reinstatement nurse's certificate ... 836

BOARD OF PHARMACY
See Pharmacy Act ... 377-391

BOARD OF PLUMBERS EXAMINATION AND REGISTRATION, COUNTIES OVER 100,000 POPULATION
Bond of Secretary-Treasurer ... 767
Compensation, member ... 767
Created ... 764
Definitions ... 766
Doing business without license ... 770
Examinations ... 770
Exhibition of license ... 769
Hearings of Board ... 769
Licenses, application, examination and fees ... 768
Organization ... 765
Permits ... 767
Unlicensed plumbing unlawful ... 770

BOARD OF REGISTRATION OF ARCHITECTS
See State Board of ... 514-519

BOARD OF REVENUE
Abolished in certain counties ... 149
Appropriations relief of children under 18 ... 397
Authorized to appropriate funds for support of schools ... 687
Court reporter, contracts with, in certain counties ... 333
Fix amount of official bonds, county officers ... 557
Free text books, required to levy gas tax for ... 466
Interest bearing warrants, may extend time of, payment of ... 257
May beautify school grounds with convict labor ... 277
May grant license for toll bridge or ferry ... 182
Powers and duties of ... 759
Public improvements, may make partial payment on ... 520
Public improvement assessments paid by ... 612
Salaries, certain counties ... 42
What amount may be borrowed ... 639

BOARD OF REVENUE, CITIES OVER 15,000 POPULATION
Assessments by council, accepted by Board of Revenue ... 650

BOARD OF REVENUE, COUNTIES 75,000 TO 100,000 POPULATION
Annual appropriation, county purposes ... 550
Contingent fund ... 61
May accept money compensation in lieu of labor on roads ... 521
Powers and salaries of ... 42
Salaries of ... 42

BOARD OF REVENUE, COUNTIES 100,000 TO 300,000 POPULATION
Extend payment, interest bearing warrants ... 257

BOARD OF REVENUE, COUNTIES MORE THAN 300,000 POPULATION
Abolished ... 298

BONDS
Alabama Securities Act amended, see ... 783-801
Maturity of ... 429
Selling price of ... 430

BONDS, APPEARANCE
Juvenile Court ... 365

BONDS, COUNTIES 110,000 POPULATION
Toll bridges ... 468-479

BONDS, MUNICIPAL
Jasper, City of, constitutional amendment 851
Objects and purposes for which may be issued 601
Validated 206
Waterworks, Cities 100,000 or more population 347-352

BONDS, MUNICIPAL REFUNDING
Issued without election 428

BONDS, OFFICIAL
Building and loan commissioner 222
County governing bodies fix amount of 557
Deputy Tax Assessor 296
Highway Commissioner 9
State Board of Administration 7
State Pilotage Commission 154

BONDS, ROADS AND BRIDGES
Proceeds gasoline excise tax to pay 859-864

BONDS, SURETY
Filed to relieve real estate from lis pendens lien 826

BONDS, WAREHOUSEMEN
Required 844

BOTTLES, MILK CONTAINERS
Sale of, prohibited, certain cases 827

BOWERS, HON. CLAUDE
Invited to address the joint session 255

BOXING AND SPARRING MATCHES
See Athletic Commission of Alabama 241

BRAY, W. E.
Relief of 638

BRIDGEPORT, CITY OF
Constitutional amendment to increase taxes which may be levied 641-644

BROKERS
See Real Estate Brokers 327-332

BROKERS, REAL ESTATE
License of 327-332

BUILDING AND LOAN ASSOCIATIONS
Accounting system 225
Agents 231
Acknowledgment to or by, effect of certain cases 674
Articles of association 218
Bonds of officers 229
Branch offices 231
Business, authority to commence 220
Charter, amendment of 220
Charter, application for 219
Charter, investigation of 219
Charter, when application rejected 220
Consolidation 233
Definitions 218

BUILDING AND LOAN ASSOCIATIONS—*Continued*
Deposits, certain kinds prohibited 232
Dues 231
Embezzlement, penalty for 234
Examination of association 224
Examination of foreign association 236
Extending time of corporation 220
Fees 224
Fees, membership, cancellation, withdrawal 230
Financial statements 228
Foreign associations 234
Foreign association, certificate to 235
Foreign associations, fees of 236
Illegal practices and insolvencies 225
Insolvency, procedure, when 226
Joint shares 230
Licenses 230
Minors may become members 231
Mortgages, foreclosure of 231
Notices of withdrawal 232
Powers 221
Refusal to permit 225
Reports to Governor 229
Securities deposited with State Treasurer 235
Shares 231
Slander of associations 234
State Building and Loan Department 222
Statements when to be filed 224
Trust funds 230
Withdrawals, notices of 232

BUILDING AND LOAN DEPARTMENT OF ALABAMA 222

BUREAU OF IDENTIFICATION
Established, certain counties 510

BURIAL COMPANIES AND ASSOCIATIONS
Regulated 394

BURIAL PLACES
Conveyances declared charitable trusts 393

BUSSES, MOTOR
See Alabama Motor Carrier Act of 1931 303-324

CAMPAIGN EXPENSES
Regulated 755

CANABIS AMERICANA 42

CANABIS INDICA 42

CANDIDATES, POLITICAL OFFICE
Expenses of, in campaign 755

CAPITAL CASES
Fees, attorney's, certain counties 352

CAPITAL STOCK OF BANKS
How increased or decreased 757

CAPITOL
Allotment of space, committee recommendations 251

CAPITOL ELECTRICIAN
Appropriation for 857

CAPITOL WATCHMEN
Appropriation for 857

CARRIERS
See Uniform Bill of Lading Act 592-601

CASHIER'S CHECKS
Preferred claim against closed bank, when 206

CEMETERIES
Defacing of tombstones, shrubs, etc., penalty for 824

CERTIFICATES
Nurses, renewal and reinstatement of 836

CHAIN STORE LICENSE LAW 431-434

CHAMBERS COUNTY
Fishing in, regulated 171

CHANCE, GAMES OF
See Anti-Gambling Device Act 806-809

CHARITABLE TRUST
Certain conveyances declared 393

CHECKS
Not paid, obtaining money, etc., by 648
When fund insufficient to cover, giving of 648

CHIEF EXAMINER OF PUBLIC ACCOUNTS
Duties with reference to gasoline tax 458

CHIEF OF FIRE DEPARTMENT, CITIES 67,000 TO 200,000 POPULATION
Assistants appointed by City Commission 538
Salaries of 538

CHIEF OF POLICE
Appointment and salary of, certain counties 256

CHIEF OF POLICE AND POLICE OFFICERS
Appointed by City Commission, certain cities 256

CHILD LABOR
Employment certificates 412
Out of school certificates 414
Vacation employment certificates 412

CHILDREN
Age to enter school 803
Appropriations for relief of, under 18 years 397
Bringing into State, rule for 396
Child labor 412

CHILDREN, ADOPTION OF
Adoption by stepfather or stepmother 508
Consent for, when necessary 506
Record of petition 507
Decree and proceedings 507
Decree of, revocation of order, annulments, reports 506
Petition for, hearing of 505
Status of adopted child 507
Unlawful to advertise, etc. 508
Who may petition 504

CHILDREN, DEPENDENT AND NEGLECTED 353-366
Boarding homes for 368

CHILDREN OF SOLDIERS, SAILORS AND MARINES KILLED IN WORLD WAR
Educational opportunities provided for 775

CIGARETTES
License or privilege tax 415-424

CIGARS
License or privilege tax 415-424

CIRCUIT CLERKS
Compensation of, certain services 669
Fees of, examining vouchers, certain counties 591
Fees of, summons witnesses before Grand Jury 668
Fees of 331

CIRCUIT COURT
Appeals to, when street vacated 62
Fees of clerks 331
Jurisdiction, contest of wills 844
Jurisdiction, gambling devices 808
Probation officers 443
Surveys of land authorized by 239

CIRCUIT COURTS, JUDICIAL DISTRICTS
Divided into 265

CIRCUIT JUDGES
Appoint probation officers 443

CIRCUITS, JUDICIAL
State divided into 647

CITIES AND TOWNS
Certain obligations of, validated 206
Commission form of government, App. March 4, 1931, amended 334
Mobile increase tax limit, constitution amendment 400
Objects and purposes for which bonds may be issued 601
Paving, cost of, when paid for by State 236-239

CITIES AND TOWNS, 1,000 TO 6,000 POPULATION
Constitutional amendment proposed to fix debt limitation 662

CITIES AND TOWNS, 6,000 OR MORE POPULATION
General municipal elections 436

CITIES AND TOWNS, 6,500 TO 15,000 POPULATION
Taxes, municipal, regulated 337-344

CITIES AND TOWNS, 7,500 TO 8,500 POPULATION
Publication receipts and expenditures 634

CITIES AND TOWNS OVER 15,000 POPULATION
Assessments by Council, accepted by Board of Revenue 650

CITIES AND TOWNS, 20,000 TO 50,000 POPULATION
Civil service regulations, Police and Fire Departments 676-683

CITIES AND TOWNS, 24,000 TO 40,000 POPULATION
Class "D" Cities known as commission form of government provided 174-179

CITIES AND TOWNS, 25,000 TO 67,000 POPULATION
Commission form of government 30-41

CITIES AND TOWNS, 35,000 TO 40,000 POPULATION
Inferior Courts abolished 804

CITIES AND TOWNS, 35,000 TO 67,000 POPULATION
Court of Common Pleas established 11-24

CITIES AND TOWNS, 40,000 TO 67,000 POPULATION
Commission form of government 334
Commission form of government amended 99-125

CITIES AND TOWNS, 67,000 TO 150,000 POPULATION
License tax malt extract dealers 268

CITIES AND TOWNS, 67,000 TO 200,000 POPULATION
Chief of Police, appointment and salary of 256
City Commission appoints Fire Chief and Assistants 538
Governing body appoints Chief of Police and other officers, fixes salary of 256

CITIES AND TOWNS, 68,000 TO 100,000 POPULATION
May compromise paving taxes 369

CITIES AND TOWNS, 68,000 TO 200,000 POPULATION
City Clerk to mail bill, public improvement assessments 519

CITIES AND TOWNS, 75,000 TO 100,000 POPULATION
Powers of Board of Education 438

CITIES AND TOWNS OVER 100,000 POPULATION
Board of Adjustment, zoning law 459-462
Waterworks, purchase or construction 347-352

CITIES AND TOWNS OVER 150,000 POPULATION
Inferior Court established 528-536

CITIES AND TOWNS OVER 300,000 POPULATION
Publish officials' salary list 628

CITIZENS' LIFE INSURANCE COMPANY OF HUNTSVILLE, ALABAMA
Relief of 686

CITY COMMISSION
Cities, 67,200 to 200,000 Population, appoints police, etc. 256

CITY COMMISSIONER
Compensation of, regulated 605

CIVIL PROCESS
Exemption from extradition cases ... 564

CIVIL SERVICE BOARD
Created, Cities, 25,000 to 50,000 Population, Police and Fire Department ... 676-683

CIVIL SERVICE REGULATIONS
Cities, 25,000 to 50,000 Population, Police and Fire Department ... 676

CLAY COUNTY
Bank deposits by Tax Collector declared trust fund ... 511

CLERKS OF CIRCUIT COURTS
Board of Jury Supervisors is clerk of certain counties ... 301
Compensation of, certain services ... 669
Five per cent fee collecting trial tax ... 604
Summons witnesses after continuance, fee of ... 668
Summons witnesses before Grand Jury, fees of ... 668

CLERK OF THE HOUSE OF REPRESENTATIVES
Time within which to file journal with Secretary of State ... 670

CLERK, JURY BOARD
Counties, 105,000 to 300,000 Population, priority of salary claim ... 660

CODE OF 1923, AMENDED
Sec. 23. State Board of Administration, membership ... 7
Sec. 25. State Board of Administration, director, salary of ... 7
Sec. 26. Bond of director, State Board of Administration ... 7
Sec. 104. Powers of Child Welfare Department ... 366
Sec. 115. Qualifications of probation officers ... 367
Sec. 126. Bringing child into State ... 396
Sec. 231. Preferred claims and order of priority ... 325
Sec. 402. Assistants to make voters list ... 293
Sec. 511. Declaration of election results ... 392
Sec. 582. Object of the school ... 332
Sec. 688. State Board of Embalming established ... 822
Sec. 689. Appointment and term of office ... 822
Sec. 691. Powers and duties of the Board ... 822
Sec. 693. Embalmers license, fee ... 822
Sec. 694. Annual dues ... 823
Sec. 695. Unlawful to practice embalming without license ... 823
Sec. 1187. Examination of applicants registration ... 835
Sec. 1188. Nurses from other States registered ... 835
Sec. 1193. General hospital defined ... 542
Sec. 1255. Who may practice veterinary medicine ... 549
Sec. 1353. Persons liable to road duty ... 644
Sec. 1354. Persons exempt from road duty ... 644
Sec. 1897. Borrowing money by municipalities ... 179
Sec. 2126. If Council shall assess taxes, Board of Revenue shall take such assessments ... 650
Sec. 2150. Exemptions from road duty ... 291
Sec. 2335. Cities and towns to which the article applies ... 151
Sec. 2377. Compensation of City Commissioners ... 605
Sec. 2927. Printing of general acts ... 170
Sec. 2929. Size and title of acts ... 171
Sec. 3088. Final settlement Tax Collector ... 620
Sec. 3146. Extent of application of two preceding sections ... 811
Sec. 3278. Writ of Arrest issued by clerk, solicitor or judge ... 652

CODE OF 1923, AMENDED—*Continued*

Sec.	3297.	Willful or malicious setting fire to or burning fences	685
Sec.	3383.	Bail not discharged by irregularities or want of qualification	675
Sec.	3506.	Employment certificates, children	412
Sec.	3507.	Vacation employment certificates	414
Sec.	3528.	Definitions	353
Sec.	3529.	Jurisdiction	355
Sec.	3530.	Title of proceedings	356-359
Sec.	3531.	Rules and practice, Juvenile Courts	359
Sec.	3532.	Procedure	360
Sec.	3534.	Mental and physical examination of children	360
Sec.	3536.	Probation officers	361
Sec.	3537.	Commitment of children	362-365
Sec.	3540.	Transfer from Juvenile Court	365
Sec.	3554.	Child held for safekeeping	366
Sec.	3643.	Certain prisoners not to be worked or kept together	166
Sec.	3739.	Fees, Circuit Court clerks	331
Sec.	3810.	Monthly terms, County Court	181
Sec.	3869.	Defacing tombstones, trees, etc.	824
Sec.	3888.	Setting off explosives under public buildings, etc.	204
Sec.	4133.	Untrue advertising prohibited	781
Sec.	4158.	Giving check or draft when funds insufficient to cover	648
Sec.	4159.	Obtaining money, other property or credit by check, draft or order which is not paid	648
Sec.	4188.	Game season	193
Sec.	5013.	Posting or leaving obscene pictures	820
Sec.	5402.	Refusal to obey orders of Security Commission, penalty	800
Sec.	5742.	Order of Grant of Administration	649
Sec.	5814.	Representatives having claim against estate must file same in Probate Court, verified by affidavit	839
Sec.	5815.	All other claims to be presented or they are barred	840
Sec.	5818.	Presentation of claims, how made, affidavit	837
Sec.	5819.	When revival of suit a presentation	838
Sec.	5825.	When representative protected in payment of debts	839
Sec.	5826.	Payment of debts not due	837
Sec.	5900.	Final settlement, when may be made	838
Sec.	5904.	Day appointed for settlement, notice	829
Sec.	5964.	Distribution made on application after six months	842
Sec.	5974.	Order made after six months protects representative	841
Sec.	5975.	When payment of legacies may be compelled	841
Sec.	6013.	When claims barred; affidavit to claims	839
Sec.	6020.	Objections to claims; issue, trial, costs	843
Sec.	6027.	When settlement to be made	842
Sec.	6042.	Not to be sued for six months	841
Sec.	6049.	When legatee may sue for legacy	842
Sec.	6095.	Agreed Case	409
Sec.	6307.	Superintendent of Banks may compound bad debts	244
Sec.	6336.	Capital stock of banks	392
Sec.	6340.	Impaired capital-losses	825
Sec.	6341.	Increase or decrease of capital stock	757
Sec.	6401.	Duties and bonds of bank directors	256
Sec.	6503.	Register, appointment, term, removal	44
Sec.	6511.	Special register	676
Sec.	6717.	Bailiffs, compensation of	66
Sec.	6755.	Authority of court	759-762
Sec.	6771.	Compensation of County Commissioners	805

CODE OF 1923, AMENDED—*Continued*

Sec. 6777. What amount may be borrowed 639
Sec. 6784. Interest bearing warrants, how long to run interest, Counties 200,000 or more population 55
Sec. 6784. How long shall run, interest rate 612
Sec. 6827. Exception in favor of sale of good will 647
Sec. 6851. Governor may convey or alienate State lands 674
Sec. 7287. Sheriff's fees 261
Sec. 7539. Compensation of employed minors 415
Sec. 7883. Homestead alienation by married man 183
Sec. 8054. Bond required when garnishment issues pending suit 652
Sec. 8209. Notice of settlement of guardians 829
Sec. 8440. Lodge system defined 71
Sec. 8441. Representative form of government defined 71
Sec. 8443. Benefits, payment of 71
Sec. 8445. Beneficiaries defined 72
Sec. 8503. Exemption of certain societies, lodges, etc. 72
Sec. 8567. Interest on usurious contracts, recovery back of usury 783
Sec. 8808. Tenant failing to plant crop 410
Sec. 9302. Who may petition for adoption of minor child 504-508
Sec. 9583. Judge of Probate not to prepare papers 592
Sec. 9587. Duty as to dead bodies 673
Sec. 9712. What companies not affected 252
Sec. 9878. Definitions 783-786
Sec. 9879. Securities issued, etc. 786
Sec. 9880. Transaction exempted from operation of article 787
Sec. 9885. Fees to be paid 788
Sec. 9887. Hearing on report to Commission 789
Sec. 9890. Reports to Commission, etc. 791
Sec. 9891. Powers of Commission to enforce provisions of act 792
Sec. 9892. Complaints, investigations, findings, etc. 794
Sec. 9896. Dealers in and salesmen of securities 796
Sec. 9899. When sales made in violation of article voidable 799
Sec. 10500. Sale of perishable and live freight 781
Sec. 10594. Dissent; when to be made 840
Sec. 10620. How will proved out of, probated in this State 162
Sec. 10620. Probate of foreign wills 162
Sec. 10637. Contest in Circuit Court in equity within six months 844
Sec. 10639. Infants and lunatics allowed longer time to contest 843

CODE OF 1923, REPEALED

Sec. 29. Meetings of Board of Administration 7
Sec. 6240. Subjects examined upon 650
Sec. 6241. Who may apply for license 650
Sec. 6242. When application dismissed 650
Sec. 6244. Minors may be licensed 650
Sec. 6247. When attorneys from other states may practice in this State 650
Sec. 6249. Unsuccessful applicant may apply again 650
Sec. 6259. When attorneys of other states may practice 650
Sec. 6922. Perpetuity forbidden 816
Sec. 7206. Power of foreign corporations 638
Sec. 8120. Guardians of persons entitled to war risk insurance 280-284
Sec. 8121. Guardians of persons entitled to war risk insurance 280-284
Sec. 8123. Guardians of persons entitled to war risk insurance 280-284
Sec. 8124. Guardians of persons entitled to war risk insurance 280-284
Sec. 8125. Guardians of persons entitled to war risk insurance 280-284
Sec. 8126. Guardians of persons entitled to war risk insurance 280-284

CODE OF 1923, REPEALED—*Continued*

Sec. 8127. Guardians of persons entitled to war risk insurance 280-284
Sec. 8128. Guardians of persons entitled to war risk insurance 280-284
Sec. 8129. Guardians of persons entitled to war risk insurance 280-284
Sec. 8130. Guardians of persons entitled to war risk insurance 280-284
Sec. 8131. Guardians of persons entitled to war risk insurance 280-284
Sec. 8132. Guardians of persons entitled to war risk insurance 280-284
Sec. 8133. Guardians of persons entitled to war risk insurance 280-284
Sec. 8134. Guardians of persons entitled to war risk insurance 280-284
Sec. 8446. Qualifications for membership 72
Sec. 8580. Jury Commission for each county 44
Sec. 8581. Qualifications of Jury Commissioners 44
Sec. 8582. President, Jury Commission 44
Sec. 8583. Oath of office 44
Sec. 8584. Compensation, how paid 44
Sec. 8585. Commission absent or sick 44
Sec. 8586. Vacancies in Jury Commission 44
Sec. 8587. Clerk of Commission 44
Sec. 8588. Compensation of clerk 44
Sec. 8589. Oath of clerk 44
Sec. 8590. Neglect of duty 44
Sec. 8591. Duties of clerk 44
Sec. 8592. Discharge of clerk 44
Sec. 8600. Meetings of Jury Commission 44
Sec. 8601. Names of citizens 44
Sec. 8602. Jury Box, lock and keys, custodian 44
Sec. 8603. Qualifications of persons on Jury roll 44
Sec. 8604. When jury box exhausted 44
Sec. 8606. Name of every qualified person on jury roll 44
Sec. 8607. Clerk required to visit precinct 44
Sec. 8625. Clerks must certify names to Jury Commission 44
Sec. 8626. Certificate as to disqualification 44
Sec. 8633. Separate jury roll for subdivision of county 44
Sec. 8634. Costs of summoning, when taxes against clerk 44
Sec. 8635. Probate Judge required to furnish stationery 44

COLLINS-PLOWMAN BRIDGE 816

COLUMBUS DAY
October 12th designated as 820

COMMISSION FORM OF GOVERNMENT
Amended, Cities 25,000 to 67,000 population 30-41
Cities, 40,000 to 67,000 population 334
Class "D" Cities 151
Created, Cities 40,000 to 67,000 population 99-124
Cities, 7,500 to 8,500 regulated 634

COMMISSIONER OF AGRICULTURE
Fixes bond, warehousemen 844

COMMISSIONER OF LICENSES
Created in certain counties 522-527

COMMISSIONERS COURTS
Abolished in certain counties 149
Beautify school grounds with convict labor 277
Grant license for toll bridge or ferry 182
Interest bearing warrants, how long shall run 612
Powers and duties of 759-762
What amount may be borrowed 639

COMMISSIONERS OF STATE BAR
Authority 285
How elected 285

COMMITTEES
Allotment of space, committee recommendations 251
Flag of the Confederacy, joint committee on 251
Investigate claim of C. Irwin, composed of Governor, Attorney General and State Auditor 685
Investigate cost of electric current 207
Joint recess committee on Ways and Means 208
Motor busses and trucks, draw bill, taxing 208

COMMITTEES, JOINT
Authorized to sit during recess 254

COMMITMENT
Jail, extradition cases 561-563

COMMON CARRIERS
Alabama Motor Carrier Act of 1931 303-324
Sell perishable or live freight 781
Uniform Bill of Lading Act 592-601

COMMON CLAIMS, COUNTY COURTS OF
Established, certain counties 621-628

COMMON PLEAS, COURTS OF
Established, certain counties 11-24

CONDEMNATION PROCEEDINGS
Lands for school purposes 142

CONECUH, COUNTY OF
County debts and obligations, payment of 346

CONFEDERATE REUNION
Appropriation for 46
Decoration, Legislative Chambers 290

CONFEDERATE STATES OF AMERICA
Flag of, Marshall recognized designer 260

CONGRESSIONAL DISTRICTS
State divided into 98

CONSOLIDATION OF STATE AND NATIONAL BANKS 127

CONSTITUTIONAL AMENDMENT, ELECTION ON
Expenses when paid by one city 430
Mobile, City of, debt limit increased 439

CONSTITUTIONAL AMENDMENTS PROPOSED
Authorized Legislature to divide State into forestry districts and levy acreage tax 664
Bonds issued for road purposes 868-874
Fix debt limitation, Cities 1,000 to 6,000 population 662
Governor authorized to make temporary loans 864-868
Increasing amount of taxes which may be levied by certain cities and towns 641-644

CONSTITUTIONAL AMENDMENTS PROPOSED—*Continued*
Inheritance and estate taxes 411
Jasper, City of, issue bonds, purchase waterworks 851
Mobile, City of, increasing ad valorem tax limit 400
Mobile increased debt limit 439
Mobile, City of, levy ad valorem tax without election 508
Mobile County, to purchase sea walls, etc. 817
Sheriffs, election, duties and impeachment 661
State authorized to levy income tax 864-868
State Senate increase of membership 611
State to issue interest bearing negotiable warrants 864-868
Sylacauga debt limit 502

CONSTITUTION OF ALABAMA
Article XIX, County Boards of Education levying special tax under, may borrow money 180

CONTRACTS
Perpetuities, common law rule re-established 816

CONTRACTS IN RESTRAINT OF TRADE
Exception in favor of sale of good will 647

CONTRACTS OF FOREIGN CORPORATIONS
When null and void 335

CONTRACTS RELATING STATE'S REAL PROPERTY
For more than year invalid unless signed by Governor 663

CONVENIENCE AND NECESSITY, CERTIFICATE OF
See Alabama Motor Carrier Act of 1931 303-324

CONVENTIONS, PATRIOTIC
Appropriations 45,000 to 46,000 population 639

CONVEYANCES
Governor may make, of State land 674
Perpetuities, common law rule re-established 816
Real estate by State for more than year invalid unless signed by Governor 663

CONVICT DEPARTMENT
Appropriation for 856

CONVICT LABOR
May be used by Boards of Revenue to beautify educational grounds 277

COOSA-ALABAMA RIVER PROJECT
Nine foot channel requested 27

CORONERS, COUNTIES 75,000 TO 100,000 POPULATION
Salary and duties 194

CORONERS, COUNTIES OVER 300,000 POPULATION
Abolished in 263

CORPORATIONS
Acknowledgments to or by, effect of certain cases 674
Permit from State Tax Commission 335
Registered stock holder treated as owner 565-570
Stockholders, right to examine 762

CORPORATIONS, CHAIN STORE 431-434

CORPORATIONS, FOREIGN
Franchise tax suits against, deplored 213

CORPORATIONS, FOREIGN AND DOMESTIC
Franchise tax 327

CORPORATION PERMITS
Permit required to do business 68
Withdrawal application from Secretary of State's office 335

COSMETOLOGY
See Board of Cosmetological Examiners 653-659

COSTS
Extradition cases 559-565

COSTS, COURT
How paid when no property found, certain circuits 292

COUNTIES
Interest bearing warrants 639
Preferred claims, priority of 325
Refunding bond issued without election 428
Reports as to county funds required 191
Tubercular hospitals, two or more, may co-operate 446-453
What amount may be borrowed by 639

COUNTIES LESS THAN 15,000 POPULATION
County Commissioners to use funds to pay interest 763

COUNTIES 17,000 TO 18,000 POPULATION
Bank deposits public officers declared trust fund 511

COUNTIES 25,000 TO 30,000 POPULATION 346

COUNTIES 34,000 TO 36,000 POPULATION
Road duty required of no person 771

COUNTIES 34,300 TO 36,300 POPULATION
Filling vacancies office Tax Assessor and Collector 758

COUNTIES 41,000 OR MORE POPULATION
Highway Commission repealed 47-53
Road and Bridge Commission created 47-53

COUNTIES 60,000 OR MORE POPULATION
Act support poor and paupers, App. September 9, 1927, not to affect 749

COUNTIES 75,000 TO 100,000 POPULATION
Board of Revenue, salaries of 42
Contingent fund created 61
Tax Collector and Tax Assessor not to charge fee on district school tax 504

COUNTIES 75,000 TO 110,000 POPULATION
Motor vehicles ad valorem taxes of cities in, how collected 803
Citizens subject to road duty 521
Tax Assessor and Tax Collector collect city motor vehicle ad valorem taxes 638

COUNTIES OVER 110,000 POPULATION
Authorized to construct bulkheads, etc., for storm protection 537
Tollbridges, authority to purchase or lease 468

COUNTIES 100,000 TO 150,000 POPULATION
Authorized to exempt certain plants from taxation 631

COUNTIES 100,000 TO 300,000 POPULATION
Guards at county jail, compensation of 46
Interest bearing warrants, time of payment extended 257

COUNTIES 100,000 TO 175,000 POPULATION
Fees, attorney's, in capital cases 352

COUNTIES 105,000 TO 300,000 POPULATION
Board of Revenue, elections regulated 372
Court of Domestic Relations created 479-501
Juvenile Court abolished 545
May impose excise tax, kerosene 629
Payment of claims, contractors, roads, and bridges, may draw interest bearing warrants 501

COUNTIES 200,000 OR MORE POPULATION
Appeals by, to higher courts regulated 54
Boards of Education, expense of 513
Interest bearing warrants of 55

COUNTIES 300,000 OR MORE POPULATION
Commissioner of License created 522-527
County Court of Common Claims established 621-628
Ejectment actions regulated 370
Inferior Courts regulated 614
Jurisdiction, Justices of Peace, regulated 613
Official stenographers, county not to pay expenses 759
Papers may be served by registered mail, Inferior Jurisdiction Court 773
Salary fixed, Probate Judges 772
Sheriff's salary fixed 773

COUNTY ATTORNEY
Counties over 200,000 population, act creating, amended 512

COUNTY BOARD OF CENSORS
Determines qualifications, general hospitals 542

COUNTY COMMISSION, COUNTIES OVER 300,000 POPULATION
Compensation 299
Coroner, perform duties of 263
Created 299
Employees, qualifications of 298-301
How elected 299
Powers and duties of 299
Powers and duties of, defined 247-251
President of 300
Public buildings, care of 301
Quorum 300
Rules and regulations 300
Term of office 299

COUNTY COMMISSIONERS, COURT OF
Fix bonds, county officer ... 557
Interest bearing warrants may extend time of payment ... 257
Powers and duties of ... 759-762
Public improvements, may make partial payment on ... 520
Use funds to pay interest, counties less than 15,000 population ... 763
Voting places designated by, Counties 105,000 to 300,000 population ... 269-271

COUNTY COMMISSIONER
May grant license for toll bridge or ferry ... 182

COUNTY COURTS
Terms held monthly ... 181

COUNTY DEBTS AND OBLIGATIONS
Payment of, Counties 25,000 to 30,000 population ... 346

COUNTY FUNDS
Act relating to reports, repealed ... 424
Officers to make reports as to ... 191

COUNTY JAIL
Matron at, counties 100,000 to 300,000 population ... 45

COUNTY SUPERINTENDENT OF EDUCATION
Deaf and blind children, duties with respect to ... 126

COUNTY TREASURER, COUNTIES 300,000 OR MORE POPULATION
Has custody of official and trust funds ... 264

COSTS, COURT
For summoning witnesses after continuance, how charged ... 668

COURT OF APPEALS
Appeals to, forfeiture gambling devices ... 806-809
Appropriation for ... 857

COURT REPORTERS, CIRCUITS, 65,000 TO 72,000 POPULATION
Testimony in equity, habeas corpus and preliminary hearings, reported by 283

COURT REPORTERS, OFFICIAL
Salaries of, Circuits Two to Nine Judges ... 45

COURTS
Agreed case when may be made ... 409
Guardian ad litem, nomination of ... 556

COURTS, CIRCUIT
May put defendants on probation ... 444

COURTS, CIRCUIT, JUDICIAL DISTRICTS
Composition of ... 265

COURTS, INFERIOR
Cities 35,000 to 40,000 population, abolished ... 804
Created, cities over 150,000 population ... 528-536

COURTS, JUVENILE AND DOMESTIC RELATIONS
Act creating, Section 12, amended, counties over 200,000 population ... 542-545
Established certain counties ... 132-148

COURTS OF COMMON CLAIMS
Established, counties over 300,000 population 528-536

COURTS OF COMMON PLEAS
Established, certain counties 11-24

COURT OF COUNTY COMMISSIONERS
Authorized to appropriate funds for support of schools 687

COURTS OF DOMESTIC RELATIONS
Created, counties 105,000 to 300,000 population 479-501

COURTS OF INFERIOR JURISDICTION
Papers served by registered mail, counties 300,000 or more population 773

COURTS, SUSPENSION OF SENTENCE 444

CRAFT, JOHN
Highway Road Number Six named in honor of 189

CRIMINAL COURTS
Probation officers provided for 443
Suspended Sentence Law 444

CRIMINAL LAWS
Cannabis Americana, illegal possession of, sale of 42
Cannabis Indica, illegal possession of, sale of 42
Chambers County, nets or substitutes not to be used in fishing 171
Marihuana, illegal possession of, sale of 42
Muggles Cigarettes, illegal possession of, sale of 42
Randolph County, nets or substitutes not to be used in fishing 171
Stink or tear gas bombs 203
Suspension of sentence 444
Uniform Bill of Lading Act 592-601
Uniform Criminal Extradition Act, adopted 559-565
Writ of arrest, when issued 652

CROPS
See landlord and tenant 410

CULLMAN, COUNTY OF
Road and Bridge Commission established 47-53
Road and Bridge Commission created 540

CURRENT DEBT OF THE STATE
Registry of unpaid warrants and account 5

DEAD BODIES
Judge of Probate orders analysis made of 673

DEALERS, MOTOR FUELS
Reports to State Tax Commission 859-864

DEBT OF THE STATE
Determining amount of outstanding current debt 5

DECATUR, CITY OF
Constitutional amendment to increase taxes which may be levied 641

DEEDS
To burial places, charitable trust 393

DEFENDANTS
Suspended Sentence Law 444

DEFICIT OF STATE
Commission to study 243

DEFINITIONS
Aircraft 198, 211
Airman 846
Air navigation facilities 846
Airport 846
Airway 846
Apothecary shop 377
Association 218
Benefits 280
Board 218, 378
Bureau 280
Certificate 569
Chemical 378
Civil aircraft 198, 846
Class "D" cities 151
Commissioner 218, 303
Commission 303
Common carrier 304
County office 96
County officer 96
Court 354
Crude oil 860
Delinquent child 354
Delivery 569
Dependent child 353
Director 280
Distributor 466, 860
Drug 378
Drug store 377
Election 96
Estate 280
Fixed termini 304
Formulary 378
Fuel oil 860
Gasoline 466, 860
General election 96
General hospital 542
Guardian 280
Highway 303
Income 280
In good faith 570
Intermediate landing field 846
Judge 354
Judge of the Juvenile Court 354
Juvenile Court 354
Kerosene oil 860
Lodge system 71
Medicine 378
Member 218
Motor propelled vehicle 303
Motor transportation company 303
Motor transportation 303
Motor vehicle 303
Municipal airport 198
Municipality 198

DEFINITIONS—*Continued*
Neglected child ... 353
Operating aircraft ... 198, 211
Operating airport ... 198
Person ... 280, 303, 569
Person appearing to be owner, etc. ... 569
Persons ... 860
Pharmaceutical ... 378
Pharmacists ... 377
Pharmacopoeia ... 378
Political party ... 73
Primary ... 96
Primary election ... 73, 96
Purchase ... 569
Purchaser ... 569
Regular routes ... 304
Retail dealer ... 466, 860
Representative form of government ... 71
Shares ... 570
Storer ... 466, 860
Transfer ... 570
Value ... 570
Voter ... 96
Ward ... 280

DELONEY, L. G.
Relief of ... 755

DEPARTMENT OF EXAMINERS OF ACCOUNTS
Appropriation for ... 856

DEPENDENT AND NEGLECTED CHILDREN ... 353

DEPUTY COUNTY TREASURERS
Office created certain counties ... 266

DEPUTY SOLICITORS
On fee basis, may contract with county, etc. ... 845

DEPUTY TAX ASSESSOR
When appointed by State Tax Commission ... 295

DISABLED WAR VETERANS
Exempted from business or occupational licenses ... 397-400

DISABLED WORLD WAR AND SPANISH-AMERICAN WAR VETERANS
Exempted from payment, occupational taxes ... 184

DISBARMENT OF LAWYERS
Authority conferred ... 285

DISTRICT SCHOOL TAXES
Tax Collector and Assessor not to charge fee on, counties 75,000 to 100,000 population ... 504

DIXIE FIRE INSURANCE COMPANY OF GREENSBORO, N. C.
Relief of ... 640

DOCKS COMMISSION, STATE
Not to grant tax exemptions ... 811

DOG RIVER
Catching salt water shrimp in ... 424-428

DOMESTIC CORPORATIONS
Franchise tax ... 278
Permit required, fees of ... 68
Permit from State Tax Commission ... 335

DOMESTIC RELATIONS, COURT OF
Created in counties 105,000 to 300,000 population ... 479-501

DRAFTS
Not paid, obtaining money, etc., by ... 648
When funds insufficient to cover ... 648

DROUTH, FLOOD OR STORM SUFFERERS
Relieved from mortgage filing tax ... 148

DRUGS, PROHIBITED ... 42

DRUG STORES
See Pharmacy Act ... 377-392

DURESS
See Uniform Stock Transfer Act ... 566

EDUCATION
Age of children to enter school ... 803
Aid, school building or teacher's home ... 408
County governing bodies authorized to appropriate funds for support of schools ... 687
Election to levy gasoline excise tax for, counties 75,000 to 100,000 population ... 776-779
Free text books, counties 105,000 to 300,000 population ... 466
Investigation, expenditure school funds ... 183
Opportunities provided for children of those killed in the World War ... 775
Pensions for teachers, certain cities ... 278
Section 289, School Code, amended, use of district funds ... 559
Section 582, School Code, amended ... 332
Sell school warrants to borrow money ... 180
Trustees, school districts, election, duties, etc. ... 672

EJECTMENT
To recover possession property sold at mortgage foreclosure, certain counties ... 370

ELDER, ROBERT
Relief of ... 554

ELECTION, BONDS
Toll bridges ... 468

ELECTIONS
Board of Revenue, regulated, counties 105,000 to 300,000 population ... 372
Declaration of results ... 392
General municipal ... 436
Lease or sale of docks, certain cities ... 345
Levy gasoline excise tax, counties 75,000 to 100,000 population ... 776
Probate Judges investigate, November 4, 1930 ... 373
Trustees school districts ... 672

ELECTIONS, CONSTITUTIONAL AMENDMENT
Authorize Legislature to divide State into forestry districts and levy acreage tax ... 664

ELECTIONS, CONSTITUTIONAL AMENDMENTS—*Continued*
Bond issue for road purposes 868-874
Fix debt limitation, cities 1,000 to 6,000 662
Increasing amount of taxes which may be levied by certain cities and towns 641
Inheritance and estate taxes 411
Jasper, City of, issue bonds to purchase waterworks 851
Mobile, City of, levy ad valorem tax 508
Mobile County, purchase, build, etc., sea wall 817
Negotiable interest bearing warrants, temporary loans and income tax 864-868
Sheriff, election, duties and impeachment 661
State Senate, increase of membership 611
Sylacauga debt limit 502

ELECTIONS, SENATORIAL, NOVEMBER 4, 1930
Ballots sent to Washington 191

ELECTIONS, SCHOOLS, VALIDATED
Articles 12 and 13, Alabama School Code 97

ELECTIONS UNDER ALABAMA SCHOOL CODE VALIDATED AND LEGALIZED 97

ELECTRIC CURRENT
Committee to investigate cost of 207

ELECTRIC PUBLIC UTILITIES
License tax on 325

EMBALMERS
Practicing without license 824
See State Board of 822

EMINENT DOMAIN
Counties not less 110,000 may acquire toll bridges 468-479

EMPLOYEES
Semi-monthly pay law 636

EQUALIZATION AND TRUST FUNDS SCHOOL
Resolution providing for investigation of 183

EQUITY
Surveys, when authorized by Court of 239

ESTATE TAXES
Constitutional amendment proposed 411

ESTATES
Taxes on, collection of 441

ESTATES, ADMINISTRATION OF
Administrator not to be sued for six months 841
Claims to be presented or barred 840
Distribution made on application after six months 842
Final settlement, when may be made 838
Objections to claims, issue, trial, costs 843
Order made after six months protects representative 841
Payment of debts not due 837
Presentation of claims, how made, affidavit 837
When claims barred; affidavit to claims 839
When legatee may sue for legacy 842

ESTATES, ADMINISTRATION OF—*Continued*
When payment of legacies may be compelled 841
When representative protected in payment of debts 839
When settlement to be made 842

EVERSON, MAJOR-GENERAL WM. G.
Invited to address Legislature 254

EVIDENCE
Honorable discharges from Army, Navy, Marine Corps 859

EVIDENCE, RULES OF
Possession of certain drugs 42

EXAMINERS OF ACCOUNTS, DEPARTMENT OF
Examine books county officers every two years 557

EXCISE TAX
Gasoline 458
On gasoline 410
On gasoline, levied 859-864
Election to levy on gasoline, counties 75,000 to 100,000 population 776-779
Kerosene, certain counties 629

EXECUTION
Strawberries, levy on 407

EXECUTIVE OFFICE
Appropriation for 852

EXECUTOR
Not to be sued for six months 841
Order made after six months protects 841
When settlement to be made 842

EXEMPTIONS
War Veterans from occupational licenses 397-400

EXEMPTIONS, TAX
Certain counties and cities 631
Not to be granted by State or Docks Commission 811
U. S. Veterans Hospitals, etc. 259
War Veterans, occupational 184

EXPENSES, CAMPAIGN
Regulated 755

EXPLOSIONS, SETTING OFF UNDER PUBLIC BUILDINGS 204
EXTRADITION, UNIFORM CRIMINAL ACT
Adopted in Alabama 559-565

EUFAULA, CITY OF
Constitutional amendment to increase taxes which may be levied 641

FALSE ADVERTISING
Prohibited 781
What amounts to 781

FEDERAL RESERVE
See Building and Loan Associations 236

FEES
Circuit Court Clerks 331
For collection trial tax 604
Register, Circuit Court, counties over 200,000 population 44

FEES, COUNTY OFFICERS
Pay treasury, counties over 300,000 population 441

FERRIES
Across waters within county 182

FILING TAX ON MORTGAGES
Drouth, flood or storm sufferers relieved 148

FINAL JURISDICTION
Justice of the Peace, certain counties 613

FINAL SETTLEMENT
Tax Collectors 620

FINGERPRINT IDENTIFICATION
Bureau established, counties 105,000 to 300,000 population 510

FIRMS
Member, right of examination 762

FISHING
Nets, baskets, seines not used in certain counties 171

FLAG OF THE CONFEDERATE STATES OF AMERICA
Committee on 251
Nicola Marshall recognized as designer of 260

FLYING
See State Aviation Commissioner 846

FLYING FIELDS
See Municipal Airport Act 197-203

FOREIGN CORPORATION PERMIT
Fees of 68

FOREIGN CORPORATIONS
Franchise Tax 327
Penalty, failure to obtain permit 335
Permit from State Tax Commission 335
Powers of, act repealed 638

FORESTRY
Constitutional amendment to authorize Legislature to divide State into districts and levy acreage tax 664

FRANCHISE TAX
Foreign corporations, suits against deplored 214

FRATERNAL BENEFIT SOCIETIES
Code Sections 8440-8441-8443-8445-8503 amended 71
Code Section 8446 repealed 72
Not to write contingent, mortality endowment policies 819

FRATERNAL DAY
October 12th designated as 820

FRAUDS
Relating to or concerning checks, drafts, etc. 648
See Uniform Stock Transfer Act 566

FREIGHT, PERISHABLE OR LIVE
When may be sold 781

FUELS, LIQUID
Sale of, fictitious name, prohibited 810

FUGITIVE FROM JUSTICE
Uniform Criminal Extradition Act, adopted 559-565

FUNDS, RURAL SCHOOL HOUSE 435

GADSDEN, CITY OF
Commission form of government established 174-179
Compensation of Commissioners regulated 605

GAMBLING DEVICES
See Anti-Gambling Device Act 806-809

GAME AND FISH COMMISSIONER
Open and closed season, duties of 193

GAME AND FISH LAW
Salt Water Shrimp Act, amended 424-428

GAME LAWS
Open and closed season as to birds 193
Wild turkey gobblers, quail 193

GAMING
See Anti-Gambling Device Act 806-809

GARNISHMENTS
Jefferson County, Courts of Inferior Jurisdiction, papers served by registered mail 773
When issued pending suit, bond required, except of Superintendent of Banks 652

GASOLINE
Disposition, proceeds of excise tax 862
Election to levy excise tax, counties 75,000 to 100,000 population 776
Excise tax levied 859-864
Excise tax on 410, 458
Excise tax on, how expended 459

GASOLINE COLLECTOR
Counties 105,000 to 300,000 population 468

GENERAL ACTS
Provision for publication of 170

GENERAL ELECTION NOVEMBER 4, 1930
Investigation of, by Probate Judges 373

GENERAL REVENUE ACT OF 1927, AMENDED
Fees, Tax Assessors and Collectors, ad valorem motor vehicles 633
Section 2-J 415-424
Section 72, amended 666

GENERAL REVENUE LAW OF ALABAMA OF 1923
Section 47, amended 671

GENEVA, TOWN OF
Flood protection resolution 253

GIBBS, ACTON C.
Relief of 549

GILLILAND AND SAXON
Relief of 820

GILLILAND, W. H.
Relief of 820

GIRLS'
See State Training School for Girls 272-277

GIRLS, STATE TRAINING SCHOOL FOR
Removal of location 539

GOOD WILL, SALE OF
Seller may agree to refrain from carrying on similar business 647

GOVERNOR OF ALABAMA
Alabama Athletic Commission, appoints 97
Authorized detailed study of State Government made 3
Board of Pharmacy, appoints 378-381
Building and Loan Commissioner, appoints 222
Calls election, Judge, Court of Domestic Relations, certain counties 493
Constitutional amendment proposed, temporary loans 864-868
Conveyance State's real property for more than year invalid unless signed by 663
Director of State Board of Administration, appoints 6
Extradition cases, duty of, in 559-565
Highway Commissioner, appoints 7
Interest Contingent Fund 129
Jury Boards, appoints 56
May convey or alienate State lands 674
Member of Board of Registration of Architects, appoints 515
Member of Committee to investigate claim of C. Irwin 685
Military Act, see 687-749
Muscle Shoals Commission, appoints 376
Poet Laureate, commission issued to 168
State Pilotage Commission, appoints 154-162
State Tax Commission, appoints 5
Trustee, Spanish-American War Fund 196
Trustees, Training School for Girls, appoints 272

GOVERNOR'S WARRANT
Extradition cases 560

GRAND JURY, WITNESSES BEFORE
Summoning of 668

GRIEVANCE COMMITTEE
State Bar, investigates professional misconduct lawyers 683

GROVE, E. J.
Resolution on death of 298

GUARDIAN AD LITEM
Abolished, counties 100,000 to 300,000 population 402
How nominated by an infant 556

GUARDIANS
Incompetent World War Veterans 280-284
Minor children of disabled or deceased World War Veterans 280-284
Notice of settlement, to whom given 829
Settlement of, day appointed for, notice 829

GUARDIANSHIP, UNIFORM VETERANS ACT 280-284

HABEAS CORPUS
In extradition cases 561

HALL, MRS. MATILDA J.
Relief of 609

HEATH, J. DUDLEY
Relief of 650

HEFLIN, T. THOMAS
Condemned in Coats' resolution 29

HIGHWAY COMMISSIONER
Bond of 9
Employees appointed by 10
Expenses, traveling 10
Office, term of 8
Powers of 9
Powers of, to administer oaths 10
Reports to Governor 9
Salary of 10

HIGHWAY DEPARTMENT
Accidental deaths or injuries, insurance 238
Bond issue, constitutional amendment proposed 868-874
Duties and powers of Commission 237
Proceeds gasoline excise tax credited to 862

HIGHWAY PATROLMEN
See Mobile County 454

HIGHWAYS
Names as well as numbers shown on markers and maps 827

HOLIDAY
October 12th designated Columbus and Fraternal Day 820

HOMESTEAD
Alienation by married man 183

HONORABLE DISCHARGE
Registration of, provided for 859

HOSPITALS AND SANATORIA
Counties may maintain 446-453

HOSPITALS, GENERAL
Qualification of, determined 542

HOSPITALS, TUBERCULAR
Counties may maintain 446-453

HOUSE JOINT RESOLUTIONS
Accepting portrait Hon. John D. Knox 26
Adjusted Service Compensation Certificates 28
Alabama Bridge Corporation requested to change name of bridge 375
Alabama Polytechnic Institute authorized to receive certain funds 25
American Legislators Association 288
Appeal to Secretary of Agriculture liberal allotment drouth and storm loan fund 1
Bowers, Hon. Claude invited to address the joint session 255
Collins-Plowman Bridge 816
Commending Congressman Henry B. Stegall 25
Commission created to study State deficit 243
Committee for allotment of space at Capitol 251
Committee created to prepare bills taxing motor busses and trucks 208
Condemning U. S. Senator J. Thomas Heflin 29
Confederate Reunion, decoration Legislative Chambers 290
Confederate States of America, flag of 260
Coosa-Alabama River project 27
Everson, Major-General Wm. G., invited to address Legislature 254
Geneva, Town of, flood protection resolution 253
Gratitude expressed to Mrs. R. D. Johnston 188
Grove, E. J., resolution on death of 298
John Craft Highway, Road Number Six named in honor of 189
Joint Committees authorized to sit during the recess 254
Joint Committee created to investigate cost of electric production 207
Joint Recess Committee on Ways and Means 208
Kymulga Cave, publicity for, by State Department 267
Longworth, Speaker Nicholas, invited to address Legislature 258
Memorial Alabama Congressman, tariff, importation jute 242
Memorial Alabama Congressman, vegetable oil tariff 242
Muscle Shoals 1
Muscle Shoals Act, President requested to approve 166
Muscle Shoals Commission 376
Nicholas Longworth, death of 252
October 12th designated Columbus and Fraternal Day 820
Ohio War Veterans invited to Montgomery 189
Retirement and payment of Adjusted Service Compensation Certificates 28
Senatorial election, November 4, 1930, sheriff send ballots to Washington 191
State Song adopted 190
U. S. Good Roads Association, invitation to 266
Per diem of officers and employees fixed by 67

HUMANE OFFICER
Appointed, certain counties 548

INCOME TAX
Constitutional amendment proposed 864

INDEPENDENT LIFE INSURANCE COMPANY
Relief of 802

INFANTS
Nomination of guardian ad litem 556
When, may contest will 843

INFERIOR COURTS
Abolished, cities 35,000 to 40,000 population 804

INFERIOR COURTS, COUNTIES OVER 300,000 POPULATION
Deputy Solicitors' salary fixed ... 636
Regulated ... 614

INHERITANCE AND ESTATE TAXES
Constitutional amendment proposed ... 411

INHERITANCE TAX
Constitutional amendment proposed ... 411

INSURANCE
Writing of contingent, mortality endowment, prohibited ... 819

INSURANCE COMPANIES
Writing of contingent, mortality endowment prohibited ... 819

INSURANCE COMPANIES, BURIAL
Regulated ... 394

INTEREST BEARING WARRANTS
Counties, amount of ... 639

INTESTACY
Order of Grant of Administration ... 649

IRWIN, C.
Relief of, committee appointed to investigate claim of ... 685

JAIL GUARDS
Priority of salary, counties 105,000 to 300,000 population ... 660

JASPER, CITY OF
Constitutional amendment, issue bonds, waterworks ... 851

JEFFERSON, COUNTY OF
Barber's Commission created in ... 615
Board of Cosmetological Examiners established ... 658
Board of Education, expense of ... 513
Board of Plumbers, examination, etc., created ... 764-771
Board of Revenue abolished ... 298-301
City Board of Education to bear certain expenses ... 263
Commissioner of Licenses created ... 522-527
Compensation, officers of court, for examining vouchers ... 591
Coroner abolished ... 263
County Attorney Act, amended ... 512
County Commission created ... 298-301
County Commission established in ... 149
County Commissioners, powers and duties of ... 247-251
County Court of Common Claims established ... 621-629
County officers pay treasury fees, etc. ... 441
Deputy Tax Assessor, authority of ... 295
Ejectment actions, mortgage foreclosure sale ... 370
Funds, official or trust, how handled and controlled ... 264
Inferior Courts regulated ... 614
Inferior Jurisdiction Court papers may be served by registered mail ... 773
Jury Board, powers and duties of ... 455
Justices of the Peace, jurisdiction of ... 613
Official stenographers, county not to pay expenses of ... 759
Order of Grant of Administration ... 649
Probate Judge, salary fixed ... 772

JEFFERSON COUNTY—*Continued*
Section 12, act creating Juvenile and Domestic Relations Court, amended 542-545
Setting for trial non-jury civil cases 614
Sheriff may serve subpoenas, etc., by registered mail 255
Sheriff's salary fixed 773
Solicitor or deputy solicitor, qualifications of 636
Zoning Act amended 459-462

JEFFERSON STANDARD LIFE INSURANCE COMPANY OF GREENSBORO, N. C.
Relief of 640

JOHNSTON, MRS. R. D.
Gratitude expressed to 188

JOURNALS OF THE LEGISLATURE
Time to be filed with Secretary of State 670

JUDGE OF PROBATE
Dissent from will, when to be made 840
Duties, reference sale property for taxes 812
Fees of, lis pendens bond 826
May order chemical analysis of dead body 673
Not to prepare papers in Probate Court 592
Salaries and clerical help of, counties 75,000 to 100,000 population 152
Salary fixed, counties 300,000 or more population 772

JUDGES, COUNTY COURT OF COMMON CLAIMS 623-628

JUDICIAL CIRCUITS
Appropriation for 858
State divided into 265, 647

JUDICIAL CIRCUITS, TENTH
Setting trial non-jury civil cases 614

JUDICIAL CIRCUITS, EIGHTEENTH
Court reporter, equity cases, 65,000 to 72,000 population 333

JUNIOR ORDER OF UNITED AMERICAN MECHANICS
Exempted from Fraternal Benefit Society Laws (except insurance branch) 72

JUNK DEALERS
Prima facie case, milk cans, containers, etc. 827

JURORS
See Jury Board 455-457

JURORS AND JURIES
Code sections repealed 44

JURY BOARDS
Absence or sickness of members 57
Clerk, Circuit, when employed as clerk 57
Clerk, duties of 58
Clerk of Jury Board, oath of 58
Compensation of 56
Costs taxed against Jury Board or Clerk 61
Duties of 59
Established in every county 56

JURY BOARDS—*Continued*
Establishment, membership, duties, compensation 55-61
Jury box, separate for territorial subdivisions 60
Jury roll prepared 60
Meetings of 58
Membership of 56
Misdemeanors by members of 58
Names in jury box exhausted 59
Names placed in jury box 59
Oath of office 56
President of Jury Board 56
Qualifications of members 56
Supplies for Jury Board 60
Terms of members 56

JURY BOARDS, COUNTIES 75,000 TO 100,000 POPULATION
Established 193
Abolished 302

JURY BOARDS, COUNTIES 300,000 OR MORE POPULATION
Powers and duties of 455

JURY SUPERVISORS, BOARD OF
Created, certain counties 301

JUSTICES OF THE PEACE, COUNTIES OVER 300,000 POPULATION
Jurisdiction of 613
Regulated 613

JUVENILE AND DOMESTIC RELATIONS COURTS, COUNTIES 75,000 TO 100,000 POPULATION
Established 132-148

JUVENILE AND DOMESTIC RELATIONS COURTS, COUNTIES OVER 200,000 POPULATION
Section 12, act creating, amended 542-545

JUVENILE COURTS
Act approved September 9, 1927, amended 244-247

JUVENILE COURTS, COUNTIES 35,000 OR LESS POPULATION
Jurisdiction of, transferred to County Inferior Courts 637

JUVENILE COURTS, COUNTIES 105,000 TO 300,000 POPULATION
Abolished 545

JUVENILE COURT LAW AMENDED
See Code of Alabama Amended Sections 3528 and 3554 353-366

JUVENILE DELINQUENTS
Negro females under 18 years of age received in Reform School at Mt. Meigs 670

KEROSENE
Excise tax, certain counties 629

KNIGHTS OF PYTHIAS
Exempted from Fraternal Benefit Society Law (except insurance department) 72

KNOX, HON. JOHN D.
Acceptance of portrait 26

KYMULGA CAVE
Publicity for, by State Department 267

LANDLORD AND TENANT
Failure to plant crop, penalty 410

LAW
Unlawful practice of 287

LAW PRACTICE
Regulated 606

LAWYERS
Certain code sections applying to admittance to bar repealed 650
License fee of 287
Practice of law regulated 606
Professional misconduct investigated by Board of Commissioners Grievance Committee 683

LEASES, STATE REAL PROPERTY
For more than year, invalid unless signed by Governor 663

LEGACIES
When may be sued for 842
When payment of, may be compelled 841

LEGISLATURE
Expenses, appropriation for 11, 296
Construction of armories, appropriation for, quadrennially 754
Subordinate officers, employees, per diem, fixed by 67

LIBEL
What publication privileged 780

LICENSE
Chain stores 431-434
Commissioner of, created, certain counties 522-527
Cosmetological Examiners, Board of 653
Electric Public Utilities 326
Embalmers, penalty practicing without 824
Malt extract dealers 268
Motor vehicle, of whom not required 812
Non-intoxicating malt extract, dealers in 268
Plumbers, see Board of Plumbers Examination 768
Practice of law 606
Real estate brokers and salesmen 327-331
Refund by State Tax Commission in certain counties 527
Spanish-American War Veterans 184
State Board of Embalming 822
Street fairs or carnivals 288
World War Veterans 184

LICENSE, BARBER'S
Secured from Barber's Commission, counties over 300,000 population 615

LICENSE, BUSINESS OR OCCUPATIONAL
War Veterans exempted 397

LICENSE INSPECTORS, COUNTIES 300,000 OR MORE POPULATION
Appointed by State Tax Commissioner 666
Appoints deputies 666
Bond of 666
Duties of 666
Fees of 667

LICENSE TAGS, AUTOMOBILES
Not to be transferred from one vehicle to another 260
Remain with car sold 259

LICENSE TAX
Cigars, cigarettes, cheroots 415-424

LICENSE TAX, MOTOR VEHICLES
Graduated 297

LIFE AND CASUALTY INSURANCE COMPANY OF TENNESSEE
Relief of 639

LIFE INSURANCE COMPANIES
Not to write contingent, mortality endowment 819

LIS PENDENS
Relief from lien of, filing bond 826

LIQUID FUELS
Sale of, fictitious name prohibited 810

LOAD LIMIT
Motor vehicles 208

LOCAL BILLS
Payment expense publishing notice of intention 325

LODGE SYSTEM
Certain societies exempted from Burial Act 396

LONGWORTH, SPEAKER NICHOLAS
Invited to address Legislature 258
Resolution of sympathy, death of 252

LUBRICATING OILS
Carriers to give report of shipment 410
Sale of under fictitious name prohibited 810

LUMBERMEN'S MUTUAL INSURANCE COMPANY
Relief of 553

LUNATICS
When may contest wills 843

MACON, W. H.
Relief of 537

MALT EXTRACT
License on dealers 268

MALT EXTRACT, NON-INTOXICATING
License authorized by certain cities, dealers to make reports 268

MAPS
Names of highways appear on ... 827

MARIHUANA ... 43

MARSHALL, NICOLA
Recognized designer of Confederate Flag ... 260

MASONS
Exempted from Fraternal Benefit Society Law ... 72

MAYOR, CITIES OVER 6,000 POPULATION
Duties ... 437
Election of ... 437
Salary of ... 437

MEMORIAL HIGHWAYS
Names of, appear on maps ... 827

McELDERRY, H. L.
Relief of ... 54

MIGRATORY BIRD RESERVATIONS
United States may acquire land for ... 188

MILITARY ACT
Administrative staff ... 709
Allotted but unorganized units on mobilization day ... 701
Appointment of non-commissioned officers ... 720
Arms and equipment deposited in armories ... 694
Articles of war ... 727
Assault on troops ... 743
Associate members ... 724
Attendance of officers and men may be enforced ... 746
Authority ... 741
Authorized service medals and decorations to be worn ... 723
Bonds for officers responsible for public property, etc. ... 691
Bonds, Adjutant-General, other employees ... 714
Books, accounts and vouchers to be audited ... 715
Call for riot duty ... 741
Calling out troops ... 740
Care of equipments and arms by officers ... 694
Certificate of nomination or election ... 720
Change of venue ... 745
Close up streets, etc. ... 743
Collection of fines ... 733
Commander in Chief ... 706
Commanding officer may order certain places closed ... 745
Commitments ... 733
Company military affairs, how administered ... 726
Company to be corporate body ... 725
Compliance Federal Requirements Officers State Staff ... 708
Compensation for death or injury ... 727
Compensation of civil officers ... 736
Composition of Militia ... 688
Composition of National Guard ... 688
Composition of Naval Militia ... 688
Composition, organization and equipment of Naval Militia ... 736
Composition of unorganized militia ... 688
Courts-Martial for National Guard ... 731

MILITARY ACT—*Continued*
Courts-Martial for Naval Militia 738
Courts not bound by technical rules 735
Courts of Inquiry 736, 739
Creating a "Register of Eligibles for Commission" 717
Custom and usage of U. S. Army and Navy 697
Death in active military service of State 728
Definitions 687
Depositories or arsenals 691
Definition "In active military service of State" 698
Disbandment of organizations 727
Discharge of enlisted men 722
Discipline in Naval Militia 737
Dismissal or dishonorable discharge 739
Disperse mob 742
Disperse on order 743
Disposition of fines 739
Distribution of arms and equipment 707
Distribution of laws military, etc. 697
Disturbing court 735
Draft of unorganized militia 705
Drills 723
Dropping allowance 747
Election and nomination of company officers 719
Election, nomination and appointment of field officers; term of officer, removal, vacancies, orders for election 719
Elimination and disposition of officers 719
Emergency purchases 699
Employees, Military Department of the State 712
Employment, stenographer, Courts-Martial 734
Encampments, rations furnished 698
Enlistments in the National Guard 722
Exemption from arrest 724
Exemption from military duty 688
Exemption from poll, street tax, jury duty 690
Exemption from State toll bridge fees 723
Exemption from taxation 726
Expenses of officers, etc., when to be paid 692
Failing to appear when summoned 734
Felony for failure 742
Findings approved by Commander-in-Chief before execution 734
General Courts-Martial 731
General officers of the line, terms, vacancies, how filled 721
Governor's Flag 708
Governor to appoint counsel 730
Guardhouse established, power to incarcerate, etc. 746
Hire of transportation 699
How executed 732
In event of draft, call, Governor may order out National Guard 702
Interpretation of Naval Militia laws 739
Issuance of commissions, examinations 721
Jurisdiction, procedure, Courts-Martial, Deck Courts 738
Leaves of absence for State employees 690
Liability of bonded officers for losses 691
Limited expenses paid by State, when 701
Location of units 715
Maintenance appropriation 740
Maintenance of other troops 689

MILITARY ACT—*Continued*
Manner of ordering out unorganized militia 705
Manual of Courts-Martial governs trial 732
Meeting of Board, compensation 704
Members U. S. Naval Reserve 737
Military Advisory Board, duties of 703
Military office not preventive civil office 697
Military property not to be used private purposes 695
Military property, whom personally liable for 695
National Defense Act and Federal Naval Militia Laws 701
National Guard Reserve 715
National Guard service medals 700
Need not await orders 743
No action against officers, men 730
Notice, officer unable to account for, suit to recover 697
Oath of officers and enlisted men 739
Office rooms, expense and furniture 715
Officers accountable for military property 694
Officers and enlisted men 737
Officers required to make reports 722
Officers, State Staff Corps and departments 708
Officers to have powers and duties of U. S. Officers 717
Officers to return property to State, when 695
Organization of National Guard Units 715
Organizations not to leave State without permission 727
Organizations temporarily U. S. Service to retain State designation 703
Ordering out troops 744
Order in writing and use of discretion 745
Order to disperse before using force 742
Pay 729
Payments of expenses of Courts-Martial 734
Penalty for non-attendance 723
Permanent disability 728
Personal military property exempt from levy and sale 724
Personal staff of the Governor 707
Plan of organization of unit 715
Post exchanges and canteens 726
Powers of commanding officers in active service 746
Powers of Courts-Martial 732, 738
Powers of Governor 706
Prescribe limits for public 744
Procedure of Courts-Martial 732
Proceedings not to be vitiated by irregularity 735
Process of Courts-Martial 738
Protection of the uniform 692
Protecting troops from insulting remarks, etc. 694
Punishment for failure to appear 706
Punishment for injury to military property 695
Quadrennial and other reports to the Governor 714
Qualifications of National Guard officers 716
Reduction to ranks of non-commissioned officers 720
Regular military appropriations 689, 748
Regulations governing the unorganized militia 705
Relative rank of officers 717
Repeal conflicting legislation 749
Replacement of lost or damaged property 696
Reports, military arms and equipment 697
Report to Governor 744

MILITARY ACT—*Continued*
Retaining property 696
Retirement officers and men, when 700
Revolving fund 748
Right of troops to streets and highways, exceptions 727
Salaried military employees not entitled to additional pay 709
Salaries employees Military Department 713
Sales of liquors prevented in or near camp 699
Security for costs 730
Seizure of illegally possessed military property 696
Selling or pawning property furnished 696
Sentence of dismissal 733
Sentence to confinement in lieu of fines 739
Sentence, where executed 732
Service U. S. Army considered service Alabama National Guard 691
Special appropriations 749
Special Courts-Martial 731
Special Military appropriations 690
Staffs 719
State Military Department in time of war 709
Summary Courts-Martial 731
Temporary military force 689
Tests as to fitness for officers 716
Training with the National Guard of other States 728
Unauthorized military organizations 746
Unconstitutionality of one part not to affect others 749
Uniform not to be discriminated against 694
Uniforms 724
Unorganized military organizations 746
Wearing uniform while not on duty 695
When officers and enlisted men entitled to vote 720
When relieved from service or duty 746
Who may appropriate funds, military purposes 747
Who may donate buildings, military purposes 747
Who to command 737
Without permission of Governor 741

MILITARY DEPARTMENT
Appropriation for 854

MILITIA
See Military Act 687-749

MILK CANS, CONTAINERS
Sale of, prohibited, certain cases 827

MINE INSPECTORS
Appropriation for 855

MOBILE BAY
Pilots, see State Pilotage Commission 154-162

MOBILE, CIRCUIT OF
Court costs when paid by 292

MOBILE, CITY OF
Authorized to exempt from taxation, certain industries 631
Chief of Police and subordinates, appointment of 256
Chief of Police appointed by City Commission 256
City Clerk to mail bill, public improvement assessments 519

MOBILE, CITY OF—*Continued*
City Commission appoints Fire Chief and Assistants 538
Constitutional amendment, authorizing city to levy ad valorem tax, etc. 508
Constitutional amendment, debt limit 439
Constitutional amendment, increasing limit ad valorem taxes 400
Expense holding constitutional amendment election 430
Governing body appoints police officers, fixes salaries 256
License tax, malt extract dealers 268
Malt extract, license on 268
Municipal docks, lease or sale of 345
Paving tax assessments, may compromise 369

MOBILE, COUNTY OF
Authorized to construct bulkheads, etc., for storm protection 537
Authorized to exempt manufacturers from taxation 631
Board of Plumbers Examination, etc., created 764-771
Board of Revenue, elections regulated 372
Bureau of Identification, established 510
Clerk to Board of Registrars 293
County Commissioners may pay employees injured discharge of duty 635
Constitutional amendment to purchase and build sea wall, etc. 817
Construct or acquire and operate bridges, fills, roads, etc. 186
Court of Domestic Relations, created 479
Court reporters, official, salary and fees 45
Deputy County Treasurer, created 266
Extension payment interest bearing warrants, Board of Revenue, authorized 257
Fee of lawyer appointed by court to defend an indigent person 352
Gasoline tax, school purposes 466
General guardian ad litem abolished 402
Governing body may impose excise tax, kerosene 629
Highway patrolmen 454
Interest bearing warrants, extending time of payment 257
Juvenile Court Act, amended 244-247
Juvenile Courts, abolished 545
Matron at county jail 45
Payment of claims, contractors, roads and bridges 501
Priority of salaries, Clerk of Jury Board, jail guards 660
Register of Circuit Court 131
Text books purchased by 466
Toll bridges, governing bodies authorized to purchase or lease 468
Voting places designated by County Commissioners 269-271

MOLLETTE, ROBERT C.
Relief of 555

MONTGOMERY, CITY OF
Court of Common Pleas, established 11-24

MONTGOMERY, COUNTY OF
Bailiffs, compensation of 66
Board of Jury Supervisors, created 301
Board of Revenue, appropriation, county purposes 550
Board of Revenue authorized to make appropriation to Red Cross 53

MONTGOMERY, COUNTY OF—*Continued*
Board of Revenue, power to expend money ... 42
Board of Revenue, salary of members ... 42
Commission form of government ... 30-41
Commission form of government, amended ... 99-125
Commission form of government, approved March 4, 1931, amended ... 334
Contingent fund, Board of Revenue ... 61
Coroners, salary and duties ... 194
County Board of Education, powers of ... 438
Election to levy gasoline excise tax ... 776-779
Election clerk provided for ... 152
Humane officer appointed ... 548
Judge of Probate, clerical help ... 152
Judge of Probate, salary of ... 152
Jury Board established ... 193
Jury Supervisors, Board of, established ... 301
Juvenile and Domestic Relations Courts, established ... 132-148
Motor vehicle ad valorem taxes, how collected ... 803
No fee collected on district school tax ... 504
Public improvements, financing of, regulated ... 545
Public road work ... 521
Register of Circuit Court, increased compensation ... 173
Relief act, pavement around State Capitol ... 465
School systems consolidated ... 169
Sheriff allowed additional expenses ... 197
Sheriff of, salaries and allowances ... 64
Solicitor, special officer for ... 151
Tax Assessor and Tax Collector collect city motor vehicle ad valorem taxes ... 774
Tax Assessor, salary and clerical help ... 172
Vacancy in office City Commissioner ... 334

MONUMENTS TO THE DEAD
Defacing of, penalty for ... 824

MOORE, C. BENTON
Relief of ... 445

MORTGAGES
Strawberries, execution of ... 408

MORTICIANS
Practicing embalming without license, penalty ... 824
State Board of Embalming ... 822

MOTOR FUELS
Excise tax levied ... 859-864
Excise tax on ... 410
Excise tax on gasoline ... 458
Sale of, fictitious name prohibited ... 810

MOTOR TRANSPORTATION
See Alabama Motor Carrier Act of 1931 ... 303-324

MOTOR VEHICLE AND AD VALOREM TAXES, CITY
Tax Assessor and Collector collect, certain counties ... 774

MOTOR VEHICLE LICENSE TAX
Graduated ... 297
Of whom not required ... 812
Remains with car sold ... 259

MOTOR VEHICLES
Axle load ... 209
License tag sold with automobile ... 259
Load and size limits ... 208

MUGGLES CIGARETTES ... 42

MUNICIPAL AIRPORT ACT
Air rights ... 200
Acquisition, method of ... 199
Authority to establish ... 198
Authority to establish parks ... 198
Authority to furnish service ... 199
Bonds ... 201
Construction of act ... 203
Definitions ... 198
Eminent domain ... 199
Joint municipal airports ... 202
Liens ... 200
Obstructions ... 200
Police power ... 202
Private airports ... 201
Zoning ... 201

MUNICIPAL DOCKS
Lease or sale, certain cities ... 345

MUNICIPALITIES
Borrowing money by ... 179
Commission form of government ... 99-125
Objects and purposes for which bonds may be issued ... 601
Public improvement assessments paid by counties ... 612

MURCHISON, JOHN
Relief of ... 556

MUSCLE SHOALS
Congress urged to use in making fertilizer ... 1
President of U. S. requested to approve act ... 166
Commission ... 376

MUTUAL AID ASSOCIATIONS
Not to write contingent, mortality endowment policies ... 71

NATIONAL BANKING ASSOCIATIONS
Acknowledgments to or by, effect of certain cases ... 674

NATIONAL BANKS
Consolidation with State Banks ... 127

NATIONAL COUNCIL J. O. UNITED AMERICAN MECHANICS
Exempted from Fraternal Benefit Society laws ... 72

NATIONAL FORESTS
State consents to acquisition of lands for ... 165

NATIONAL GUARD
Armory Commission, see ... 750-754
Military Act, see ... 687-749

NATIONAL LIFE AND ACCIDENT INSURANCE COMPANY, INC.
Relief of ... 801

NAVIGATION
Jurisdiction of Pilotage Commission 756

NEGOTIABLE INSTRUMENTS
Public boards authorized to issue interest bearing coupons, certificates of indebtedness 772
Usury cannot be pleaded against bona fide holder in due course 783
Uniform Bill of Lading Act, see 592-601

NEPOTISM
Prohibitive in certain counties 248

NOTICE OF SETTLEMENT, GUARDIANS
To whom given 829

NON-JURY CIVIL CASES
Setting for trial 614

NORRIS, MRS. JENNIE M.
Relief of 551

NOTICE OF INTENTION
Introduction local bill, payment expense 325

NOTICE OF INTERROGATORIES
May be served by registered mail, Jefferson County 773

NURSES
Certificates of, renewal and reinstatement 836
Fees of, certificates 836
Fees of, examination 835
Other States, admittance and fees of 835
Registration and examination of 835
Requirements of, for examination and registration 835

OBSCENE PICTURES OR PRINTING
Posting or leaving of, unlawful 820

OBTAINING MONEY BY WORTHLESS INSTRUMENT 648

OCCUPATIONAL TAXES
War Veterans exempted from 184

OFFICERS, STATE
Highway Commissioner, see 8-11

OFFICIAL FUND
Paid to County Treasury, certain counties 264

OFFICIALS, CITY
Salaries of, published, certain counties 628

OFFICIAL STENOGRAPHERS
Pay expenses, counties 300,000 or more population 759

OILS, LUBRICATING
Sale of, under fictitious name prohibited 810

OUT OF SCHOOL CERTIFICATES 412

OYSTER COMMISSION
Duties with reference to salt water shrimp 424

PARENT AND CHILD
Juvenile Court Law 356-359

PARISH, TOWN OF
Constitutional amendment to increase taxes which may be levied 641-644

PARTNERSHIPS
Member has right to examine 762

PAUPERS
Act providing support not to affect counties 60,000 or more population 749

PERISHABLE OR LIVE FREIGHT
When may be sold 781

PERJURY
See Alabama Motor Carrier Act of 1931 320

PERPETUITIES
Common Law rule of, reestablished 816

PHARMACY
Practice of, regulated 377-391

PHARMACY ACT
Board, duties of 381
Board, meeting of 380
Board of Pharmacy 378
Certificate expires annually 387
Definitions 377
Display of certificates and licenses 388
Drug stores registration requirements 387
Drugs, who may sell 381
Fee for registration 387
Itinerant vendors 391
Label required 390
Officers of Board 379
Pharmacists, registration of 382
Pharmacopeia 390
Possession of Federal license 385
Recognition of schools and colleges 389
Revocation or suspension of license 389
Rules and regulations 379
Schedules "A" and "B" 386
Unlawful to dispense certain drugs 383

PHARMACY, BOARD OF
See Pharmacy Act 377-391

PILOTAGE COMMISSION, STATE
Jurisdiction provided 756
Rules and regulations prescribed 756

PILOTS
State Pilotage Commission, see 154-163, 756

PLAT BOOKS
Renewals thereof, Assessor to make annual compensation for 671

PLUMBERS
Board of Plumbers Examination, see 764-771

POET LAUREATE OF ALABAMA
Honorary office, created ... 168

POLICE
Appointed by governing body, Cities 67,200 to 200,000 population ... 257

POOR
Act providing support, App. September 9, 1927, not of effect in counties over 60,000 population ... 749

PRACTICE OF LAW
Regulated ... 606

PREFERRED CLAIMS
See Banks ... 206

PRESUMPTIONS, REBUTTABLE
Milk cans, containers, etc., owner of ... 827

PRIMA FACIE CASE
Junk dealers, milk cans, containers, etc. ... 827

PRIMARY ELECTIONS
Affidavit required of challenged voter ... 80
Affidavits of challenged voters ... 82
Appeal to State Executive Committee ... 91
Assessments against candidates ... 76
Ballot, official, form of ... 78
Ballots, numbering of ... 81
Ballots, printing of ... 75
Ballots, single shot not counted ... 82
Certificates of election ... 84
Certificates of election, posting ... 84
Chairman has authority to administer oaths ... 94
Chairman of County Committee, duty on contest ... 91
Chairman County Executive Committee ... 83
Chairman of County Executive Committee, certifies names ... 75
Chairman of State Executive Committee, certifies names ... 75
Challenge of voter ... 80
Challenged votes how marked ... 81
Committee of each party ... 75
Commissioners to take testimony on contest ... 94
Construction of act ... 96
Contest, contents of ... 90
Contest, hearing of ... 91
Contest of nomination ... 87
Contest of nomination, grounds of ... 89
Contest of nomination, time limit ... 88
Contest of nomination to county office ... 91
Contest of nomination, when prevails ... 89
Contest of nomination, who may make ... 88
County Executive Committee, to receive returns ... 84
Decision of contest ... 93
Declaration of candidacy ... 76
Declaring result ... 85
Defined ... 73
Delegates to party convention ... 88
Depositing returns, certificates, etc. ... 78
Destroying sealed records, when ... 81
Election officer, failing to appear ... 77

PRIMARY ELECTIONS—*Continued*
Election officers, filling vacancy 77
Election officers, names suggested 77
Elector privileged from arrest 88
Elector of party, when may contest 90
Expenses and officers per diem, how paid 75
Expenses, first primary to second primary 95
How held and conducted 74
Illegal votes 90
Inspectors of election, duties 83
Judge of Probate, furnishes list of voters, election supplies 80
Majority vote, how determined 87
Municipalities to pay for election 75
New primary election, when ordered 93
Numbering officers on ballot 79
Oath of election officers 77
Officers for election, district or precinct 77
Official ballots furnished 78
Official primary election ballot, form of 79
Persons entitled to vote in primary 76
Pledge of voter 78
Political party, defined 74
Political party, how accepts primary election 73
Political party, how enters primary 76
Probate Judge, duties of 75
Probate Judge, duty of, on contest 89
Punishments for violating act 95
Returning officer 77
Returning officer, duties of 81
Resolution of political party 76
Rules governing contest prescribed 94
Second choice voting abolished 83
Second Primary Election, returns canvassed 86
Second Primary Election, when held 85
Secrecy of ballot inviolate 81
Secretary of State certifies nominees 88
Section 56 amended 755
Sheriff, duties of 78, 82
Single shot ballots 82
Special Primary Election 74
Spoil ballots 78
State Executive Committee, contest, when meets 93
State Executive Committee, fixes qualifications of electors 76
State Executive Committee, fixes qualifications of members 76
State Executive Committee, may determine officers to be elected 74
State Executive Committee meets at Capitol 84
State Executive Committee meets to hear appeal 91
Statement of contest 92
Sub-committees appointed 95
Tally sheets, samples of 84
Tie vote, how decided 87
Vacancy in nomination, how filled 88
Voter, assistants in preparing ballots 82
Watchers at polling places 81
Witnesses, committee authority to summon 95
Witnesses, how subpoenaed 92
Witnesses on contest 89

PRIMARY ELECTIONS—*Continued*
Witnesses, pay of ... 94
What names on official ballots ... 96
When at expense of State or County ... 74

PRIMARY ELECTION DEFINITIONS
County office ... 96
County officers ... 96
Election ... 96
General Election ... 96
Masculine pronoun ... 96
Party ... 96
Primary ... 95
Voter ... 96

PRISON INSPECTOR
Appropriation for ... 855

PRIVILEGED PUBLICATIONS
Do not amount to libel ... 780

PRIVILEGE TAX
Cigars, cigarettes, cheroots ... 415-424

PROBATE COURTS
Hear petition for adoption of children ... 504-508
Judgments and orders may be signed at county seat or other legal place 540
Jurisdiction of children ... 355

PROBATE JUDGE
Dissent from will, when to be made ... 840
Fees of, lis pendens bond ... 826
Investigate Senatorial Election 1930 ... 373
Orders analysis made of dead bodies ... 673
Salary fixed, Counties 300,000 or more population ... 772
See Judges of Probate

PROBATION OFFICERS
Appointment and duties of ... 443
Juvenile Courts ... 361
Qualifications of ... 367

PROPERTY, SALE OF FOR TAXES
Notice to show cause why not ... 812

PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY
Relief of ... 803

PUBLIC BOARDS
Authorized to issue interest bearing coupon certificates of indebtedness 772

PUBLIC HEALTH
Counties may maintain tubercular hospital ... 446-453

PUBLIC IMPROVEMENT
Assessments paid by counties ... 612
Counties may make partial payments on ... 520

PUBLIC MONEY
Audit required made of State Departments ... 4

PUBLIC SCHOOLS
Free text books, Counties 105,000 to 300,000 population ... 466

PUBLIC SERVICE CORPORATIONS
Transportation companies pay employees semi-monthly 636

PUNISHMENTS
Drugs, illegal sale of 42

RAILROAD, FEDERAL OWNED
See amendment, Section 9712, Code of 1923 252

RANDOLPH COUNTY
Fishing in, regulated 171

REAL ESTATE
Brokers and salesmen, license of 327-331
Relieve from lien, file bond 826

REAL ESTATE COMMISSION
Act creating, amended 327-331
Complaints against 330
Examination of 327
Fees or licenses 328
License 327
Offenses by 331

REAL ESTATE SALESMEN
See Real Estate 327-331

REAL PROPERTY
Of State of Alabama may be conveyed by Governor 674

RED BAY, TOWN OF
Constitutional amendment to increase taxes which may be levied 641

REFORM SCHOOL FOR NEGRO LAWBREAKERS
May receive negro girls under age of 18 years, appropriation for 670

REFUNDING BONDS, MUNICIPALITIES
Issued without election 429

REFUNDS OF TAXES
State Tax Commission may make 527

REGISTER IN CIRCUIT COURT CIRCUITS ONE TO THREE JUDGES
Compensation of, increased 173

REGISTER OF CIRCUIT COURT
Appointment of 44
Compensation of, certain services 669
Fees collected by, Counties more than 200,000 population 44
Fees of, examining vouchers, certain counties 591
May appoint Deputy Register, Circuits two to five judges 131
May appoint deputies 676

REGISTERS, SPECIAL OR DEPUTY
Appointed by Circuit Judge or Register, must take oath 676

REGISTERED NURSES
See Nurses 835

REGISTRY OF UNPAID WARRANTS 5

RELIEF ACTS
Anniston Land Company 669
Baltzer, B. F. 610
Bray, W. E. 638
Citizens Life Insurance Company of Huntsville, Ala. 686
Deloney, L. G. 755
Dixie Fire Insurance Company of Greensboro, N. C. 640
Elder, Robet 554
Gibbs, Acton C. 549
Gilliland and Saxon 820
Gilliland, W. H. 820
Hall, Mrs. Matilda J. 609
Heath, J. Dudley 650
Independent Life Insurance Company 802
Irwin, C. 685
Jefferson Standard Life Insurance Company of Greensboro, N. C. 640
Life and Casualty Insurance Company of Tennessee 639
Mollette, Robert C. 55
Moore, C. Benton 445
Lumbermen's Mutual Insurance Company 553
Macon, W. H., of Elmore County 537
McElderry, H. L. 54
Montgomery, City of, payment for paving 465
Murchison, John 556
National Life and Accident Insurance Company, Inc. 801
Norris, Mrs. Jennie M. 551
Pitts Judgment, State Highway Commission 462
Provident Life and Accident Insurance Company 803
Savon, S. V. 820
Smith, H. M. 442
Spencer, Cora 779
Thrasher, C. H. 553
Tyra, Joe C. 607
Volunteer State Life Insurance Company 802
Wilson, Cora C. 558
York, Town of, paving assessments 558

REQUISITION, FUGITIVE FROM JUSTICE
Manner of applying for 564

REVENUES
Foreign corporation permits 335
General Revenue law amended 335
Tobaccos, license tax on, amended 415

RIGHT OF ASYLUM
None in extradition cases 564

RIVERS AND STREAMS
Water resources investigated 821

ROAD DUTY
Exemption from 291
Montgomery County, see 521
Not required of inhabitants, Counties 34,000 to 36,000 population 771
Persons exempt from 645
Persons liable for 645

ROADS AND BRIDGES
Bond issue, constitutional amendment proposed 868-874
Gasoline excise tax for use of, levied 859-864
Road and Bridge Commission created, Counties 41,000 population 540
Road and Bridge Commission created, Counties 41,000 population 47-53
Counties 100,000 to 300,000 population authorized to acquire 186
Securities, may sell, for purpose 186

RURAL SCHOOL HOUSES
Erection, repair and equipment 435

RURAL SCHOOL HOUSE FUND
Repair and equipment of rural school houses 435

SALARIES
Chief Clerk, Secretary of State's office, fixed 771
Chief Clerk, Treasurer's and Auditor's office fixed 772
Clerks of Jury Board, Jail Guards, priority of, Counties 105,000 to 300,000 population 660
Guards at County Jail, Counties 100,000 to 300,000 population 46
Matron at County Jail, certain counties 45
Probate Judge, Counties over 300,000 population fixed 772
Sheriff, Counties over 300,000 population fixed 773
State Service Commissioner and Assistants 607-609

SALES ACT, THE UNIFORM
See Uniform Sales Act 570-591

SALE OF GOOD WILL
Seller may agree to refrain from carrying on business 647

SALE OF PERISHABLE OR LIVE FREIGHT
When permissible 781

SALES, STATE'S REAL PROPERTY
For more than year invalid unless signed by Governor 663

SALESMEN, REAL ESTATE
License of 327-331

SAXON, S. V.
Relief of 820

SCHOOL DISTRICTS, TRUSTEES
Election, duties, removal, vacancy, etc., of 672

SCHOOLS, PUBLIC
Age of children to enter 803

SCHOOL WARRANTS
Issuance and sale of 180

SECRETARY OF AGRICULTURE, U. S.
Allotment, drouth and storm loan funds 1

SECRETARY OF SENATE
Time within which to file journal with Secretary of State 670

SECRETARY OF STATE
Appropriation for 852
Chief Clerk's salary fixed 771
General Acts, duties with reference to 170
Time in which journals of House and Senate to be filed with 670

SECURITIES COMMISSION
See Alabama Securities Act, amended 783-801
See Telephone Companies Securities Act 830-834

SECURITIES
See Alabama Securities Act, amended 783-801
Superintendent of Insurance to deposit with State Treasurer 672
See Telephone Companies Securities Act 830-834

SEMI-MONTHLY PAY DAYS 636

SENATE JOINT RESOLUTIONS
Alabama State Bridge Corporation, passes to law officers 205
Act creating Commission, amended 247
Basis franchise tax foreign corporations 213
School funds, committee to investigate 183
Visit, Secretary of Interior, Wilbur 217

SENATE OF ALABAMA
Elects County Commission, certain counties 298-301
Per diem of officers and employees 67
President pro tem, expenses of 67

SENATE, STATE
Membership, constitutional amendment 611

SENTENCES, SUSPENSION OF
Suspended Sentence Law 444

SETTLEMENT OF GUARDIANS
Day appointed for, notice 829
Notice of, to whom 829

SHERIFF
Duties reference gambling devices 806-809
Duties with reference to ballots, Senatorial election 191
Election, duties and impeachment, constitutional amendment proposed 661
Fees of 261
Serves summons on witnesses after continuance, fees of 668

SHERIFF, COUNTIES 75,000 TO 100,000 POPULATION
Additional compensation allowed 197
Salaries and allowance 64

SHERIFF, COUNTIES OVER 300,000 POPULATION
Mail, subpoenas and jury notices served by 255
Salary fixed 773

SHIPS AND SHIPPING
Jurisdiction of Pilotage Commission 756

SHRIMP, SALT WATER
1919 Act revised 424-428

SLOT MACHINES
See Anti-Gambling Device Act 806-809

SMITH, H. M.
Relief of 442

SOLICITORS
Duties reference gambling devices 808
Inferior Courts, certain counties, qualifications of 636
May contract with county on fee basis 845
Prosecute violations Securities Act 799
Solicitors, counties 75,000 to 110,000 population 151

SPANISH-AMERICAN WAR
Disposition of funds received by State from U. S. 195

SPENCER, CORA
Relief of ... 779

STATE AUDITOR
Appropriation for ... 852
Chief Clerk's salary fixed ... 772
Member of committee to investigate claim of C. Irwin ... 685

STATE AVIATION COMMISSION
Aircrafts, registration and permit ... 847
Airman, registration and permit ... 847
Appropriation ... 850
Commission created ... 846
Definitions ... 845
Duties of Commission ... 848
Employees ... 849
Expenses ... 850
Fees and permits ... 848
Fines and fees ... 849
Forms ... 850
Interstate Commerce ... 848
Penalties for violation of Act ... 849
Separability of clauses ... 850
Time of taking effect ... 850

STATE BAR
Grievance Committee, jurisdiction, professional misconduct ... 683

STATE BOARD OF ADMINISTRATION
Director of, give bond ... 7
Director of, how appointed ... 6
Director of, salary of ... 7

STATE BOARD OF EDUCATION
Aid of blind person ... 814
Rural school house funds ... 435

STATE BOARD OF EMBALMING
Annual dues ... 823
Appointment and term of office ... 822
Embalmers licensed, fee ... 822
Established ... 822
Powers and duties of the Board ... 822
Unlawful to practice embalming without license ... 823

STATE BOARD OF REGISTRATION OF ARCHITECTS
Applications for registration ... 517
Appointment of members ... 515
Bond of Secretary ... 516
Certificate of registration ... 517
Certificate of requirements ... 517
Corporations may practice ... 518
Created ... 515
Employees of ... 516
Exemptions from operation of act ... 518
Expense of Board ... 516
Fees ... 517
Fines for violation of act ... 517
Meeting of Board ... 516
Membership ... 515
Organization of Board ... 515
Powers of Board ... 515

STATE BOARD OF REGISTRATION OF ARCHITECTS—*Continued*
Qualifications of architects 517
Qualifications of members 515
Reports to Governor 516
Seal of architects 517
Secretary of Board 516
Terms of members 515
Vacancies on Board 515

STATE CHEMIST
Makes analysis of dead bodies 673

STATE CHILD WELFARE DEPARTMENT
Adoption of children, investigation by 505
Boarding homes for children, duties with reference to 368
Bringing child into state, consent required 396
Commitment dependent, neglected children 362-365
Powers of 366
Probation officers, qualifications of 367
State Training School for Girls, duties of 276

STATE COMMITTEE OF PUBLIC HEALTH
Approves plans, tubercular hospitals 446
Determines qualifications general hospitals on appeal 542
Inspects tubercular sanatoria 451
Makes rules and regulations tubercular hospitals 449

STATE DOCKS COMMISSION
Not to grant tax exemptions 811

STATE GEOLOGIST
Investigate water resources 821

STATE GOVERNMENT
Audit required made of all departments 4
Governor authorized to have study made of 3

STATE HIGHWAY DEPARTMENT
Bond issue proposed, constitutional amendment 868-874
Collins-Plowman Bridge, duties reference 816
Establishment of 8
Officers of 8
Proceeds gasoline excise tax credited to 859-864
Reimbursement, Pitts judgment 462
Seal of 10

STATE OF ALABAMA
Conveyance or sale by agency of real estate for more than year, invalid unless signed by Governor 663
Exemptions from taxes not to be granted 811
Real property of, may be conveyed by Governor 674
Water resources investigated 821

STATE PILOTAGE COMMISSION
Apprentice 155
Apprentice pilot, old license continued 156
Bond of pilot 157
Branch, deprivation of 158
Certificate of appointment 156
Chairman 154
Commissioners 154
Commissioners, duties of 158

STATE PILOTAGE COMMISSION—*Continued*
Commissioners, fees of 159
Commissioners, qualifications of 154
Created 154
Discharge of ballast, rubbish, etc. 159
Discharge of pilots 157
Discrimination among vessels forbidden 161
Examinations for license or branch 156
Fees of commissioners 159
Funds, when paid into State Treasury 161
Hearings 158
Jurisdiction 155
Jurisdiction provided 756
License, application for 156
License, suspension or revocation 157
Meetings 155
Outer-bar pilots, duties of 160
Pilotage, vessels exempt 161
Pilotage fees 159
Pilot boats, offering service 160
Pilot, oath of 160
Pilot, payment of fees 160
Pilot plant of State Docks to be bought 161
Pilot, retaining on board, penalty 160
Pilots, certain, continued 155
Pilots, duties as to rubbish 159
Pilots, qualifications of 155
Pilots, tax upon 161
Rules and regulations prescribed 756
Secretary 155
Suits by Commissioners 159
Vacancy in office 154
Vessels exempt from pilotage 161
Witnesses, fees of 158
Witnesses subpoenaed 157

STATE REAL ESTATE COMMISSION
Act creating, amended 327-331
Complaints against brokers, investigates 330

STATE SERVICE COMMISSIONER
Act creating, amended 607
Assistants authorized 607

STATE SONG
Adopted 190

STATE SUPERINTENDENT OF EDUCATION
State Training School for Girls, duties 276

STATE TAX COMMISSION
Appoints Deputy Tax Assessor 295
Appoints License Inspectors for counties 300,000 or more population 666
Appropriation for 854
Chain Store Licenses 431
Collects license or privilege tax on tobaccos 415-424
Corporation permits 335
Corporation permits, duties 68
Enforces gasoline excise tax 862
May make refund of taxes 527
May remit penalties delinquent corporation permits 336

STATE TAX COMMISSION—*Continued*
Membership of ... 6
Reports made to ... 861
Salary of ... 6

STATE TRAINING SCHOOL FOR GIRLS
Admission of girls ... 275
Age limit ... 275
Appropriations ... 277
Board of Trustees ... 272
Classifications ... 276
Discharge ... 275
Education ... 276
Escapes ... 275
Established ... 272
Parole ... 275
Punishment, corporal, not permitted ... 276
Removal of location ... 539
State Child Welfare Department, duties ... 276
Superintendent ... 274
Time of stay ... 275

STATE TREASURER
Appropriation for ... 853
Chief Clerk's Salary fixed ... 772
Superintendent of Insurance, deposits securities with ... 672

STATE TRUNK ROADS
York to Wagerville designated ... 620

STEGALL, HENRY B., CONGRESSMAN
Appropriation bill, by, commended ... 25

STENOGRAPHERS, OFFICIAL
Pay expenses, counties 300,000 or more population ... 759

STINK BOMBS
Unlawful to manufacture or throw ... 203

STOCK, CAPITAL, OF BANKS
How increased or decreased ... 757

STOCK CERTIFICATES
Alteration of ... 568
Definitions ... 569
Endorsement defined ... 569
Endorsement of ... 566
Implied warranty, when none ... 568
Lost or destroyed ... 568
Rescission of transfer ... 566
Rescission of transfer, effect of ... 567
Unendorsed certificate, effect of ... 567
Warranties on sale of certificates ... 567

STOCKHOLDERS
Of corporations, right of examination of books ... 762

STOCKS
See Alabama Securities Act, amended ... 783-801
Transfer of, regulated ... 565

STORES
Annual license fees, amount of ... 432

STRAWBERRIES
Grades of, provided for 815
Mortgages on, how executed 408
Sale, when levied on 407

STREET FAIRS OR CARNIVALS
License of 288

SUBPOENAS
Jefferson County Inferior Jurisdiction Court, may be served by registered mail 773

SUPERINTENDENT OF BANKS
Approves form of bond, bank employees 256
Approval necessary increase or decrease of capital stock of bank 758
Not required to give bond when garnishment issued pending suit 652
Procures order from Circuit Court relieving from giving bond 652
See Banking Department 244

SUPERINTENDENT OF INSURANCE
Burial Companies, contracts of valued 395
To transfer deposit of securities to State Treasurer 672

SUPERSEDEAS BONDS
When not required to make, counties 200,000 or more population 54

SUPREME COURT
Appeals to, when streets and alleys vacated 62
Appropriation for 857

SURVEYS OF LAND
In equity 239

SUSPENDED SENTENCE LAW 444

SYLACAUGA, TOWN OF
Debt limit proposed constitutional amendment 502

TAXES
Cigars, cigarettes, cheroots 415-424
Constitutional amendment to authorize Legislature to levy acreage tax for forestry 664
Constitutional amendment proposed, inheritance 411
Election to levy gasoline excise, counties 75,000 to 110,000 population 776-779
Estates 441
Excise, gasoline, levied 859-864
Excise tax, gasoline 458
Exemption from, not to be granted by State Dock Commission 811
Kerosene excise 629
Motor vehicle license, of whom not required 812
Occupational, War Veterans exempted from 184
Refunds by State Tax Commission 527

TAX ASSESSOR
Annually make plat book or renewal thereof, compensation for 671
Fee ad valorem motor vehicle taxes 633

TAX ASSESSOR, COUNTIES 34,300 TO 36,300 POPULATION
Vacancy filled 758

TAS ASSESSOR, COUNTIES 75,000 TO 110,000 POPULATION
Assesses city motor vehicle ad valorem taxes 774
Assesses ad valorem taxes, motor vehicles of cities, compensation 803
Salary, fees, clerical help 172

TAX ASSESSOR, COUNTIES 200,000 OR MORE POPULATION
Act authorizing payment for ex officio services, repealed 646

TAXATION
Exemption from, certain counties and cities 631
Franchise tax, domestic and foreign corporations 327
How lands sold 216
Motor vehicles license 297
Payment ad valorem taxes extended 215
Refund erroneous payments, application of provisions 811
Taxpayer remains in possession until 216
U. S. Veterans Homes exempted from 259

TAX COLLECTOR
Duty reference sale property for taxes 813
Duties with reference to ad valorem taxes 215
Fees, ad valorem motor vehicle taxes 633
Final settlement of 620
Final settlement, time for extended 216

TAX COLLECTOR, COUNTIES 34,300 TO 36,300 POPULATION
Vacancy filled 758

TAX COLLECTOR, COUNTIES 75,000 TO 110,000 POPULATION
Collects ad valorem taxes, motor vehicles of cities, compensation 803
Collects city motor vehicle ad valorem taxes 774
Salary, fees, and clerical help 172

TAX COLLECTOR, COUNTIES 200,000 OR MORE POPULATION
Act authorizing payment for ex officio services, repealed 646

TAX COMMISSIONER
Compromises confiscated tobacco cases 418

TAXES, AD VALOREM MOTOR VEHICLES, CITY
Counties 75,000 to 110,000 Tax Collector and Assessor to collect 803

TAXES, CITY
Ad valorem increased tax rate, certain cities 400
Assessment, levy and collection regulated, counties 6,500 to 15,000 population 337

TAXES, DELINQUENT
Sale of property for, notice to show cause why not 812

TAXES, PAVING
City 68,000 to 100,000 population may compromise 369

TALLADEGA, CITY OF
Constitutional amendment to increase taxes which may be levied 641-644
Taxes, municipal levy and assessment regulated 337-345

TEACHERS
Loans to pay salaries 453

TEACHERS, HOMES
Section 372 School Code, amended 408

TEACHERS, SCHOOL
City Boards of Education may pension, certain cities 278
Money borrowed to pay salaries of 279

TEAR GAS BOMBS
Unlawful to manufacture or throw 203

TELEPHONE COMPANIES
See Telephone Companies Securities Act 830-834

TELEPHONE COMPANIES' SECURITIES ACT
Actions to recover penalties 834
Act of officer, act of company 833
Appeals 834
Applictions for issuance of securities disposed of promptly 831
Definitions 830
Effective date of act 834
Form of and oath to application 831
Granting or denying application 831
Issuance or guarantee of securities by Telephone company on application 831
No guarantee or obligation assumed by State of Alabama 832
Penalties paid into State Treasury 834
Receiver's certificate or debentures 833
Reports by company 833
Sale, pledge, etc., of such securities 832
Securities excepted 832
Securities issued contrary to act, penalty for 833
Telephone Companies excepted from provisions of this act 834

TEMPORARY LOANS
Governor authorized to make, constitutional amendment 864-868

THRASHER, C. H.
Relief of 553

TOBACCO
Contraband when confiscated 415-419

TOLL BRIDGES
Across waters within a county 182
Counties not less than 110,000 population may acquire 468-478

TOMBSTONES
Defacing of, penalty for 824

TRADE MARKS OR NAME
Sale of fuels and oils, fictitious, prohibited 810

TRANSFER OF STOCK CERTIFICATES
How accomplished 565

TREASURER, STATE
Registry of unpaid warrants by 5

TRIAL NON JURY CIVIL CASES
Tenth Circuit 614

TRIAL TAX
Act amended 604

TRUCKS
See motor vehicles 208

TRUSTEES, SCHOOL DISTRICTS
Election, duties, removal, vacancy, etc., of 672

TRUST COMPANIES
Consolidated with National Bank 127
Duties of directors 256

TRUSTS FOR CHARITY
Burial places and burial lots 393

TUBERCULAR SANATORIA
Counties may maintain 446-453

TUBERCULOSIS
Counties may establish hospitals for 446-453

TUTWILER, JULIA S.
Poem adopted as State Song 190

TYRA, JOE C.
Relief of 607

UNIFORM AIRCRAFT AND PILOT LAW
See aircrafts and pilots 211

UNIFORM BILL OF LADING ACT
Alterations of bill 595
Altering, forging, counterfeiting, etc., bills 600
Bill may be transferred by delivery, when 598
Bill negotiated by endorsement, when 598
Bill negotiated by delivery, when 598
Bill to be marked duplicate 593
Bills governed by 592
Bills lost, stolen, or destroyed 595
Bills not to be issued in sets 593
By whom bills may be negotiated 598
Carrier bound to deliver goods 594
Carrier justified in delivering goods 594
Carrier, when not liable 596
Carrier's lien 597
Creditors remedies 597
Definitions 600
Goods not to be attached, garnishment, execution 596
Interpleader, when 595
Liability of endorser 599
Negotiability of bill not affected 593
Negotiable bills 593
Non-negotiable bills 593
Not to apply to bills made before passage 601
Repeal of inconsistent legislation 601
Right and title acquired by person to whom negotiated 598
Right and title acquired by person to whom bill is transferred 598
Right of transferror to compel endorsement 598
Rights and remedies of mortgagee 600
Rights purchasers value without notice 600
Separability of clauses of bill 601
Straight bill to be marked non-negotiable 593
Uttering false bills 600
Validity of negotiation, by what impaired 599
When carrier liable 594
Words inserted by carrier, null and void 596

UNIFORM CRIMINAL EXTRADITION ACT
Adopted in Alabama 559

UNIFORM SALES ACT
Acceptance, what constitutes 583
Acceptance, when not bar to suit 583
Act, does not apply to contracts made before taking effect of 591
Action, rights enforced by 589
Attachment, when not effective 580
Auction, sale by 576
Bailee, when not to deliver goods 580
Bona fide purchaser, voidable title 577

UNIFORM SALES ACT—*Continued*
Bona fide purchaser, when rights not affected by lien or stoppage 586
Buyer must accept goods 581
Buyer, actions by, against seller 588
Buyer, liability failure to accept delivery 583
Buyer, rights on wrongful delivery 583
Buyer's insolvency, stoppage 584
Breach of warranty by seller, remedies 588
Capacity of parties 570
Carrier, delivery to 582
Concurrent conditions 581
Conditions, effect of 573
Consideration, failure of 589
Contracts to sell and sales 570
Creditors' remedies to reach negotiable document 580
Creditors' rights 578
Damages, breach of warrant, measure of 589
Damages, special 589
Definitions 590
Delivery and payment concurrent conditions 581
Delivery, failure to accept 583
Delivery, failure to make 588
Delivery in installment 582
Delivery, place, time and manner of 581
Delivery of wrong quantity 581
Delivery to carrier for buyer 582
Description, sale by, warranty 573
Destruction of goods contracted to be sold 572
Destruction of goods sold 572
Document of title, rights of transferee 579
Equity, may decree specific performance by seller 588
Examination of goods, right of 582
Existing and future goods 571
Express warranty, defined 573
Failure to deliver, measure of damages 588
Failure to indorse negotiable document 579
Form of contract or sale 571
Fraud, as impairing negotiation 580
Frauds, Statute of 571
Fraudulent retention of possession 578
Garnishment, when does not affect goods 580
Goods in transit, when 585
Goods wrongfully delivered, rights of buyer 583
Guarantor, indorser of document is not 580
Implied warranties, of quality 574
Implied warranties of title 573
Implied warranties, sale by sample 574
Indorsements in blank 578
Installments, delivery in 582
Intention, rules for ascertaining 575
Interest, recovery of 589
Interpretation 590
Interpretation of act 589
"In transit" defined 585
Law merchant, when governs 589
Lien after part delivery 584
Lien, unpaid seller 584
Loss, risk of 577

UNIFORM SALES ACT—*Continued*
Manner of delivery 581
Measure of damages breach of warranty 589
Measure of damages, failure to deliver 588
Measure of damages non-acceptance 587
Mortgages 590
Name of Act 591
Necessaries, liability for 570
Negotiable document, transferring without indorsement 579
Negotiable document, rights of holder 579
Negotiable document, who may negotiate 579
Negotiable documents, creditors' remedies 580
Negotiable documents, delivery of 578
Negotiable documents, how negotiated 578
Negotiable documents, indorsement of 578
Negotiable documents of title 578
Negotiable documents of title defined 578
Negotiation when not impaired by fraud 580
Non-acceptance of goods, action for 587
Non-negotiable documents, transfer of 579
"Non-negotiable" marked on document 578
Notice of rescission by seller 587
Notice of stoppage in transitu 585
"Non-negotiable" documents 578
Perishable nature goods, resale 585
Place of delivery 581
Pledge 590
Possession, fraudulent retention of 578
Price, action for 587
Price, definition and ascertainment of 572
Property in goods, when passes 574
Property in specific goods, when passes 574
Quality, implied warranties of 574
Refusal to accept goods 587
Refusal to pay for goods 587
Repeal, certain uniform acts not repealed 591
Repealed, inconsistent legislation 591
Repudiation of sale by buyer 587
Resale of goods by seller 586
Resale of goods by seller in possession 577
Rescission by seller 586
Reservation of right of possession 576
Right to examine goods 582
Right of possession, reservation 576
Risk of loss 577
Rules of law, when act does not cover 589
Sale at a valuation 572
Sale by one with voidable title 577
Sale by person not owner 577
Sale by seller in possession of goods already sold 577
Sale of document, warranties 580
Sales by auction 576
Sample, sale by, warranty 574
Seller must deliver goods 581
Seller, remedies of 587
Seller, when may rescind 587
Seller, when may resell goods 586
Special damages 589

UNIFORM SALES ACT—*Continued*
Specific goods, when property in, passes 574
Specific performance 588
Stolen property, sale of 577
Stoppage in transitu 584
Stoppage in transitu, how right exercised 585
Subject matter of contract 571
Time of delivery 581
Title of act 591
Title, implied warranties of 573
Transfer of non-negotiable documents 579
Undivided shares 571
Unpaid seller defined 583
Unpaid seller, rights of 584
Unpaid seller's lien 584
Unpaid seller's lien, when lost 584
Unpaid seller's lien, when not affected 586
Variation of implied obligations 589
Warranties on sale of document 580
Warranty, breach of, by seller 588
Wrong quantity, delivery of 581

UNIFORM SALES ACT, DEFINITIONS
Action 590
Buyer 590
Defendant 590
Deliverable state 591
Delivery 590
Divisible contract to sell or sale 590
Document of title to goods 590
Fault 590
Fungible goods 590
Future goods 590
Goods 590
In good faith 591
Insolvent 591
Person 590
Plaintiff 590
Property 590
Purchases 590
Purchaser 590
Quality of goods 590
Sale 590
Sell 590
Seller 590
Specific goods 590
Value 591

UNIFORM STOCK TRANSFER ACT
Adopted in Alabama 565-570

UNIFORM VETERANS GUARDIANSHIP ACT 280-284

UNITED SPANISH-AMERICAN WAR VETERANS
Interim pay fund, receive interest of 195

UNITED STATES
May acquire land for migratory bird reservations 188

UNITED STATES ARMY, NAVY, MARINE CORPS
Honorable discharges from, registration of 859

UNITED STATES GOOD ROADS ASSOCIATION
Invited to hold convention at Birmingham 266

UNITED STATES GOVERNMENT
State Geologist authorized contract with 695
Veterans Homes and Hospitals exempted from taxation 259

UNITED STATES VETERANS BUREAU
Authority guardianship incompetent veterans 280-284

USURY
Cannot be pleaded against bona fide holder in due course 783

UTTERING CHECK OR DRAFT WHEN FUNDS INSUFFICIENT TO COVER 648

VACANCIES IN OFFICE
Commission form of government, 40,000 to 67,000 population 335

VACATING AND CLOSING STREETS AND ALLEYS
Appeal to Circuit Court 64
Appeals to Supreme Court 64
Application made by city or county 62
Commissioners, compensation of 63
Damages 64
Hearing of petition 63
Newspaper publication 62
Non-residents, notice to 63
Petition, contents of 62
Petition filed with Probate Judge 62

VENDING MACHINES
See Anti-Gambling Device Act 806-809

VETERANS, WAR
Exempted from payment business or occupation license 397-400
Guardianship of incompetent 280-284

VETERINARY MEDICINE
Who may practice 549

VOTING PLACES
Designated by County Commissioners, certain counties 269-271

VOLUNTEER STATE LIFE INSURANCE COMPANY
Relief of 802

VOUCHERS OF RECEIVERS OR TRUSTEES
Fees for examining, in certain counties 591

WAREHOUSEMEN
Bonds required of 844

WARRANTS, COUNTY
Interest bearing, amount of 639
Interest bearing payment authorized, extension 257
Interest bearing, 200,000 or more population 55

WARRANTS, NEGOTIABLE INTEREST BEARING
State authorized to issue, constitutional amendment 864-868

WARRANTS OF STATE
Required to be registered 5

WAR VETERANS
Exempted from payment business or occupational license 397

WAR VETERANS OF OHIO
Invited to Montgomery 189

WATER RESOURCES
Investigated 821

WIDOWS
Dissent from will, when to be made 840

WILBUR, HON. RAY LYMAN
Invited to address the Legislature 217

WILLIAM WYATT BIBB BRIDGE
Resolution requesting name be changed 375

WILLS
Contest of, when, where 844
Dissent, when to be made 840
Infants and lunatics, when may contest 843
Probate of foreign wills 162
When payment of legacies may be compelled 841

WILSON, CORA C.
Relief of 558

WITNESSES
Summoned after continuance 668
Summoning of, before Grand Jury 668

WORKMEN'S COMPENSATION ACT
Minors within statute 415

WORLD WAR, CHILDREN OF THOSE KILLED IN
Education, opportunities provided for 775

WORLD WAR VETERANS
Guardianship of incompetents and minor children 280-284
Resolution asking immediate payment Adjusted Service Compensation Certificates 28

WRITERS CONCLAVE
Designates Poet Laureate of Alabama 168

WRIT OF ARREST
When issued 652

WRITS
Jefferson County Inferior Jurisdiction Court, may be served by registered mail 773

YORK, TOWN OF
Appropriation to, for sanitary sewers and paving 558

YORK-WAGERVILLE HIGHWAY
Designated trunk road 620